



## WHITTIER HEIGHTS

UPDATED, INCLUDING ALL AMENDMENTS THROUGH JUNE 1, 2009

### **AESTHETIC STANDARDS & REQUIREMENTS**

Pursuant to the Whittier Heights Declaration of Covenants, Conditions, and Restrictions (herein called the "Whittier Heights CCR's" or the "CCRs"), the following standards (herein the "Whittier Heights Aesthetic Standards" or the "Standards") have been adopted by the Whittier Heights Architectural Control Committee (the "Committee") and shall apply to exterior improvements proposed, made, and maintained on residential lots in the Whittier Heights addition, Colleyville, Texas. Only in limited applications do these standards pertain to the interior of houses in Whittier Heights.

These Standards are not intended to supplant the Whittier Heights CCRs but to augment them. Whenever it is obliged to do so, in consideration of information submitted to it, the Committee will accede to overriding provisions of the Whittier Heights CCRs rather than apply the Standards.

Variance from these Standards may be proposed to the Committee, which has the sole discretion to approve or not approve such a request. Additionally, the Committee may determine, in individual considerations, not to apply the Standards or to apply them only in part. Approval of a variance or the Committee's determination not to apply, or not to apply in full, one or more standards shall not establish precedent for inapplicability of a standard..

The Whittier Heights Aesthetic Standards are intended to guide the building and preservation of fine homes, the hallmark of timeless neighborhoods. For that purpose, they address elements of design, materials, craftsmanship, fixtures, and landscaping that authenticate approved architectural styles. Issues of architectural integrity, appropriateness of materials, craftsmanship, construction quality, and resolution of deviation from the Whittier Heights CCRs or from these standards shall be determined solely by the Committee. If the Committee determines that additional design enrichment or design modification would benefit the above-described intents, it may impose requirements for that purpose. Or, it may approve variances for the same purpose or impose requirements to resolve deviation from the Whittier Heights CCRS or from the Whittier Heights Aesthetic Standards.

Elements of design, materials, and improvements of structures, as well as softscape and hard-scape that require prior Committee approval are delineated in Articles II and III of the Whittier Heights CCRs. No Committee approval, condition, or requirement shall establish precedent, unless the Committee deems it so.

All Committee approvals and disapprovals shall be provided in writing. No unwritten communication of the Committee shall be a valid expression of Committee approval.

### **REVIEW OF PLANS, SPECIFICATIONS, MATERIALS, COLORS, AND EXTERIOR EQUIPMENT.**

The intent of the Declarant in establishing the Committee, and of the Committee in establishing these Standards, is to achieve and maintain a high level of excellence and consistency in all aspects of construction and landscaping throughout the neighborhood.

Whittier Heights was conceived as a neighborhood enriched by distinctive and well-built homes that convey in their architecture a continuity of forms, materials, and details that authenticate the particular style chosen for each one. Ideally, as it is built out, remodeled, altered, and renovated, Whittier Heights will achieve even greater refinement and distinction than at inception, as the CCRs anticipate.

The continued popularity of traditional architectural styles attests to their evocative power. While the Committee intends that there be design latitude to allow fresh interpretation of the concept of traditional architecture, the essential and identifying aspects of each style approved for Whittier Heights are to be faithfully portrayed in house and landscape designs within the neighborhood.

The notion of elegance, a prime consideration in the image of houses, includes in its meaning a sense of proportion, refinement, and historic precedent. Therefore, the Committee eschews design overstatement in houses and their landscape. Similarly, the Committee will disapprove design elements that betray an approved architectural style, for example, a round tower on a Tudor Revival style house. In addition, architectural details, materials, and colors of houses shall be appropriate to the style of the house and not duplicate or be too similar, in the Committee's determination, to those of properties adjacent or nearby.

All elements of the exterior of houses in Whittier Heights, including all aspects of their landscape, are subject to Committee review and require approval of the Committee prior to construction and installation. Plans and specifications for all improvements will be evaluated by the Committee with respect to the Declarant's concern for a consistently high level of taste and authenticity in design, materials, construction, and landscaping within Whittier Heights. Not only the forms and attributes of improvements depicted on approved plans, but also their spirit and artistry must be faithfully pursued in the built expression thereof.

## **DESIGN STATEMENT**

It being the objective of the developer of Whittier Heights that the neighborhood be comprised of homes that artfully and in a well-crafted way depict popular historical archetypes that provide the country's venerated residential areas their timeless character and enduring appeal, the Committee has designated styles of houses permitted in the development. For purposes of more effectively guiding design of Whittier Heights houses and the landscaping of their grounds, the Committee elaborates the developer's intent by requiring that exteriors of houses in the development should:

- (a) demonstrate thoroughly the identifying elements of the historic house style being depicted, those being "massing, scale, proportion, and character derived from the nature of the building materials, details, and spatial flow";
- (b) reject design elements that are not consistent with the historic style of the house being depicted;
- (c) avoid exaggerated and insufficient gestures of style;
- (d) eschew eclecticism and decoration, materials, fixtures, and construction techniques that belie the historic house style being depicted;
- (e) achieve proper proportion consistent with the historic house style being depicted.

Preliminary and final house plans, landscaping plans, and plans for additions, remodeling alterations, and renovation involving the exterior of a house and/or its grounds are required to be submitted to the Committee, on the cover sheet of which a fully developed, narrative statement of stylistic intent is required ("Statement of Stylistic Intent"), which lists the identifying features of the selected house style as described in *A Field Guide to American Houses* by Virginia and Lee McAlester (the "Statement of Architectural Intent"), which may be supplemented by reference to other scholarly resources. See an example in Exhibit AA.

This narrative is intended to lead the house designer to consider, in composing elevations and creating the roof plan of a house, a holistic integrity in the use of architectural details and forms by rooting their aggregated use, in a shared derivation of style and history.

Essential to any identification of style is a sense of massing that is typical of the style articulated. Therefore, roof plane designs are required to define a composition of forms reflective of style rather than merely being derived from the floor plan of the house.

Similarly, the narrative is intended to lead the landscape designer to consider, in composing plans for hardscape and softscape elements, an appropriate setting for the particular style of house architecture.

Ideally, the designers of the house and its landscape will collaborate for enhanced overall effect, as others of their disciplines, for example, Sir Edwin Lutyens and Gertrude Jekyll, discovered in closely supporting one another in pursuit of common goals.

Preliminary house plans are required to be scaled at  $1/4" = 1'-0"$  and consist of a cover page with Statement of Architectural Intent, site plan, floor plans, all elevations, and roof plan. On the plans, the initial owner is encouraged to give a place name, a *locus nomen*, to the whole of the house and landscape that is deferential to its stylistic provenance.

Final house plans are required to consist of a cover sheet with Statement of Architectural Intent, a *locus nomen* (if volunteered), site plan, grading and drainage plan, foundation plan bearing structural engineer's seal and signature, foundation silhouette, floor plans, all elevations, electric plans, roof plan, and such construction details and specificity as necessary to fully explain and enable construction of all exterior elements of the house to proceed thence. Plan refinements are necessary to resolve both the mundane, such as locations of roof and wall penetrations for purposes of venting, as well as elegant expressions of authenticating craftsmanship, such as corbelled gable shoulders, site built window mullions, cornice detailing, and the like. The foundation plan, the site plan, the foundation silhouette, and appropriate sheets of landscape plans are required to stipulate proposed finished pad and finished floor elevations.

House and landscape plans, whether preliminary or final, are required to have a title block on each page, to bear the designer's business name, postal address, email address, phone number and fax number, as well as the owners' name and the builder's name. Each succeeding plan submittal must show the original date of the plans, i.e. beginning with the date of the Preliminary Plans, and the date of each succeeding revision.

Traditional homebuilding for more than a century in the United States has generally followed recognizable design parameters that architectural scholars have variously identified. Pursuant to the direction of the developer of Whittier Heights, the Whittier Heights Architectural Control Committee has established the following architectural styles, as defined in *A Field Guide to American Houses*, written by Virginia and Lee McAlester, as appropriate in the Whittier Heights addition: Colonial Revival, Neoclassical, Tudor Revival, French Eclectic, Prairie, Craftsman, Italian Renaissance, Spanish Eclectic, and Monterey. Additionally, designs consonant with the English Arts and Crafts architecture of Edwin Lutyens, C. F. A. Voysey, and Baillie Scott are permitted. Adaptations of certain approved styles to smaller houses, for example, the one story Cape Cod expression of Colonial Revival, the Craftsman Bungalow, and one or one and a half story Tudor Revival and Neoclassical cottages are appropriate for certain areas of Whittier Heights.

\**AMERICAN HOUSE STYLES, A CONCISE GUIDE* BY JOHN MILNES BAKER, A.I.A.

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## **I. ARCHITECTURE OF STRUCTURES ON RESIDENTIAL LOTS**

All elements of the exterior of homes and landscaping in Whittier Heights are subject to approval of the Committee.

Additionally, interior window coverings fall within the purview of the Committee, which may require that interior window covering information be submitted for its consideration and approval prior to installation. If, in the judgment of the Committee, window coverings are necessary to hide interior uses, such as garage storage, or window coverings are needed to assure privacy, the Committee may require the installation of interior window coverings of high quality.

Flags, banners, and seasonal decorations on the exterior of and in yards of houses, as well as any visible through windows, are also within the jurisdiction of the Committee. If, in the reasonable judgment of the Committee, any flag, banner, sign, exterior decoration does not conform to the high standards intended for Whittier Heights by the Declarant of the Whittier Heights CCRs, the Committee may require prompt modification or removal.

Outdoor furniture, appliances, and other large furnishings or accessories used on porches, terraces, and patios also require Committee approval.

The design of homes and landscaping in Whittier Heights shall take account of areas of neighborhood open space, sometimes called "common areas" herein, that are intended to enhance both the neighborhood and individual dwellings. Lots 1-6 of Block E, 15-17 of Block D, 19-24 and 40 of Block A and all lots in Whittier Heights Phase II are required to incorporate into the design of the house a substantial covered front porch, covered front and side porch, or front socialized landscape area, such as a large landscaped terrace.

### **A. Setbacks.**

Unless otherwise approved by the Committee or superseded by section standards and requirements herein below, as much as thirty-five percent (35%) of the width of the front elevation of a house may set back from the facing street right of way twenty-five feet (25'-0"), and the balance of the width of the front elevation is required to set back from the facing street right of way at least thirty feet (30'-0"). Adjacent to any side street, the sideyard setback of a corner lot shall be at least twenty-five feet (25'-0") from the side street right of way, unless otherwise approved by the Committee to be closer to the side street right of way than twenty-five feet (25'-0") or required by the Committee to be farther from the side street right of way than twenty-five feet (25'-0").

A house with a roofed (covered) front porch that has a depth of at least nine feet (9'-0") clear and also has at least one hundred twenty (120) square feet of area, excluding any area of the front stoop, may set back from the right of way of the facing street twenty-five feet (25'-0").

### **B. Exterior Color Palette.**

All elements of the exterior color palette of homes in Whittier Heights are subject to approval of the Committee. These include, but are not limited to:

1. masonry (brick, mortar, stone, stucco, cast stone, etc.),
2. roof material and roof penetrations, chimney caps and chimney pots, and gutters and downspouts

3. house paint and stain, including whether solid, semi-transparent, or transparent, proposed at windows, brick molding, siding, trim, doors, gutters and downspouts, shutters, posts and beams, fencing, etc.; except for color combinations consistent with a historical archetype of the house,

- a. All elements of trim, windows, doors, columns, and siding shall ordinarily be expressed in shades of white, gray, yellow, tan, or green; in certain designs, the Committee will require that siding and columns simulate natural aging by application of (1) bleaching oil formulated containing small amounts of gray pigment to accelerate the natural weathering process of uncoated exterior wood or (2) transparent stain containing small amounts of gray pigment;
- b. The finish and color of doors at the primary entry shall be as the historical archetype suggests.

4. fixtures and other exterior elements.

All elements of the exterior color palette of homes in Whittier Heights are subject to approval of the Committee. For new construction, renovation, and exterior paint or stain changes on an existing house on which construction began prior to June 1, 2009, a written Statement of Color Coordination prepared by a professional colorist is required to be submitted to the architectural control committee that reconciles for aesthetic purposes all elements of the exterior house color palette (components of wall veneer, roof, posts and beams, non-glass components of windows, pedestrian and garage doors, all trim components, brick molding at openings, gutters, and downspouts, fencing and gates, hardscape surfaces, etc.) and explains the appropriateness of the color palette to the architecture of the house. See example in Exhibit BB.

### **C. Exterior Wall Materials.**

The exterior walls of all permanent residential structures in Whittier Heights, excluding windows and doors, shall not be less than eighty percent (80%) masonry construction.

Non-masonry wall material is not permitted on the front and sides of the first level of any house without special Committee approval that it deems appropriate to the style of the house and historical precedent.

Special architectural detailing may be required by the Committee for non-masonry applications visible from public areas of Whittier Heights.

If a water table or horizontal band is proposed for the façade of a house, it shall be a true water table and shall project, from the top of the water table to the brick ledge of the foundation, a distance beyond the plane of the surface of the wall above the water table or horizontal band that is proposed to and approved by the Committee as part of the plans submitted for review. No projected brick band, projected belt course, or "tutu" (shed brick course) shall be permitted in lieu of a genuine water table.

### **D. Minimum Square Footage.**

The minimum square footage of the heated and air-conditioned area of a residential structure shall be not less than 4,000, except as follows or otherwise as approved by the Committee in consideration of special design, materials, and landscaping enhancement proposed for the lots:

Lots 1-11, Block A: 3,500 s.f.  
Lots 1-5, Block B: 3,500 s.f.

### **E. Garages.**

Each lot shall have an enclosed garage with a minimum of three and a maximum of four individual bays enclosed by an overhead door with an automatic garage door opener. No vehicular garage access door may directly face any street. Except for houses with garage bays that are all accessible through a porte cochere, all garage entries shall be located in the rear of the house, shall face the rear lot line or a side lot line, and shall be accessed by a driveway that extends the full length of the house to a motor court in the rear yard that services the garage bays. Or, a motor court may be created in the side of a house that is shielded completely by the house structure from a vantage point in front of the house and accessible by a driveway that extends approximately one half the length of the house to a motor court that services the garage bays.

No vehicular garage access door may be wider than one garage bay, without special Committee approval justified by construction or design exigency. In no event shall the top of a garage door opening be arched, if a single garage is permitted along with a double garage.

### **F. Roof Pitch, Roof and Wall Penetrations and Venting, Simplicity of Roof Plan.**

The main roof pitch of each residential structure shall not be less than 12/12, unless justified by architectural style, for example, Spanish Eclectic, approved by the Committee.

Without Committee approval, neither wall penetrations for purposes of ventilation nor roof penetrations other than chimneys nor appliances for radio, television, telecommunications, wind generation of electricity, etc., e.g., vents, plumbing stacks, aerials/discs, wind turbines, etc., nor skylights, shall be visible from streets and public areas. Except with special Committee approval, skylights shall not be visible from adjacent properties.

All roof penetrations other than Committee-approved chimneys and skylights shall be painted to blend with the roof material of the house, normally by use of the same shade of color of the roof material.

The proposed internal and external locations of all HVAC equipment, gas log heaters, hot water heaters, appliances that require outside ventilation, etc. and all related roof and wall penetrations proposed shall be shown on house plans submitted for Committee review and approval.

Every effort shall be made to reduce the number of plumbing stacks penetrating the roof by combining the runs of plumbing piping in the attic area below the roof.

All roof penetrations are required to be mounted vertically, that is, straight and perpendicular to the ground plane (except for skylights and some attic ventilators).

Wind activated turbine attic vents are not permitted in Whittier Heights.

Simplicity of rooflines is a design objective in Whittier Heights.

### **G. Chimneys.**

Each house in Whittier Heights is required to have at least one tall chimney prominent in street view and of sufficient dimensions and elaboration as to authenticate the architectural style chosen, in the sole determination of the Committee.

Said chimney prominent in street view shall have minimum dimensions of not less than two and one half feet by three feet (2-1/2' x 3-1/2') and shall be elaborated and proportionate according to the house design.

Said chimney shall be a working chimney that ventilates a fireplace in a room on the interior of the house. (If proposed, Isokern fireboxes and chimneys are required to have twin flues according to specs provided at <http://www.isokern.net/pages/tech/adetail.htm> The Magnum 60-72" Series with twin flues is the minimum Isokern product and size acceptable in Whittier Heights for chimneys associated with a house structure.) A structural engineer's chimney sealed design is required for all chimneys shown on final house plans and shall be incorporated in the final house plans as a separate sheet or as one of the details of the house plans details sheet(s).

Masonry chimneys must be clad in masonry materials approved by the Committee and elaborated in a manner consistent with the finest expressions of the architectural style of the house.

The transition of a full height chimney on the exterior of a house between the chimney breast and the shaft of the chimney is required to be articulated in an artful manner acceptable to the Committee, for example, by stepped brick or cast stone shoulder.

Metal chimney flues must be clad in masonry materials approved by the Committee, be capped, and be elaborated in a manner consistent with the finest expressions of the architectural style of the house.

Exposed spark arresters must be enclosed in a decorative envelope of brick or fabricated metal and match the cap detail of any full masonry firebox chimneys in the same house.

- a. Metal chimney caps should emulate a decorative extension of the chimney shaft rather than merely being a piece of hardware that is not a part of the chimney but designed simply to hide the spark arrestor. The latter emphasizes the spark arrestor rather than complementing richer elements of the chimney.
- b. Metal chimney caps should (1) make a terminating gesture, one that splays or tapers from the perimeter of the shaft, (2) have some decorative edge or top that resolves the end of the chimney with a decorative treatment, and (3) because metal chimney caps are not masonry, they should have some obvious level of craftsmanship, i.e. elements of refinement.

#### **H. Driveways and Motor Courts.**

Driveways and motor courts shall be located to minimize pavement, except as necessary to comply with other requirements herein.

Driveways shall be a maximum of twelve feet (12'-0") in width, except the apron required for garage access and the driveway transition to the motor court, which may be wider as shown on a plan approved by the Committee, and except for the portion, as determined by the Committee, of a driveway running beside a house, which may be eleven feet (11'-0") in width, provided that the driveway has at least one foot (1'-0"), net of area devoted to retaining walls, of landscaped and irrigated planting bed on each side of the eleven foot (11'-0") driveway section.

Except as provided herein above, driveways shall be located a minimum of two feet from the side property line, net of area devoted to retaining walls, to allow for planting and/or fencing. Driveways shall also be provided at least a one foot (1'-0") wide planting bed between the side of the house and the house side of the driveway. Driveways are required to be located on the sides of certain lots as follows:

Lot 22 of Block A: south side  
Lot 23 of Block A: east side  
Lot 6 of Block B: east side;  
Lot 11 of Block B: west side;  
Lot 1 of Block C: east side;  
Lot 12 of Block D: south side  
Lot 13 of Block D: north side  
Lot 14 of Block D: north side  
Lot 15, Block D: south side;  
Lot 17, Block D: east side  
Lot 18. Block D: south side  
Lot 1, Block E: south side  
Lot 6, Block E: east side  
Lot 12, Block E: south side

Circular driveways are not permitted in Whittier Heights.

Motor courts shall be located a minimum of one foot from the side property line, net of area devoted to retaining walls, to allow for planting and/or fencing. Motor courts must be screened from view to an extent deemed appropriate by the Committee. The following may be proposed in combination for motor court screening purposes:

- a. A masonry wall and/or
- b. an embellished steel fence with masonry or embellished steel columns and evergreen plant materials in front or behind and/or
- c. dense evergreen plant materials in the form of a hedge and/or
- d. steel or wood motor court gate and masonry columns or steel gate or wood motor court gate and steel columns and/or
- e. the house structure

#### **I. Lead Walks.**

Each house in Whittier Heights is required to have a lead walk from the front entrance to the curb of the fronting street. The width of walks, whether extended from the curb of the street to which a house fronts or from the driveway, shall be five feet (5'-0") wide. The Committee may approve a wider curbside landing as a part of the lead walk.

If a walk extends from the driveway to the front entry, the walk shall be located a generous distance (at least 8'-0") from the front entry toward the facing street before turning at an approximate right angle toward the driveway.

#### **J. House Address Identification.**

Each house in Whittier Heights is permitted two means of identifying its street address:

- a. Address identification on the standard Whittier Heights mailbox as described in EXHIBIT C & C-1; and
- b. A house-mounted address plaque as described in EXHIBIT D. The house-mounted address plaque shall be located within six feet (6'-0") of the primary entry.

No other identification of a house or the owner of the improvements on the Lot is permitted in public view, i.e. neither house address, other than as allowed above, nor owner's name, builder's name, etc.

#### **K. Mailbox and Related Landscaping.**

Each house in Whittier Heights shall install and maintain a standard mailbox with standard address identification, paint color, mounting post and brackets, and irrigated planting area with plants as described in EXHIBIT C & C-1.

#### **L. Roof Drainage, Gutters and Downspouts.**

Each house and outbuilding in Whittier Heights is required to have a comprehensive roof and site drainage plan approved by the Committee that is coordinated to the satisfaction of the Committee with Lot Grading standards for lots in Whittier Heights.

Gutters must be half-round and strap hung, and downspouts must be round. Gutters and downspouts must be (a) copper (or lead-coated copper) manufactured from at least 20 ounce copper, (b) 0.019" (26 gauge) G90 galvanized and bonderized paint grade steel, or (c) 0.019" (26 gauge) aluminum-zinc coated and bonderized paint grade steel. No aluminum gutters or downspouts may be used in Whittier Heights. Pre-painted steel gutters and downspouts may be approved, if the Committee deems special circumstances warrant an exception to its standard.

Downspouts are required to be round and to be fabricated of material consistent with gutters on the house.

Downspouts shall drain away from foundations and landscape beds by means of underground drain lines that convey drainage to adjacent street(s) and daylight by means of a hole cored (not cut, see EXHIBIT G) through the curb of the adjacent street(s);

or, nearby downspouts may drain directly into the driveway and/or motor court, which must have drainage accommodating provisions, e.g. pavement poured slightly concave;

and/or by underground piping to a discharge or "daylight" point in the rear yard or side yard area shown on all sheets of the landscape plans, including irrigation layout, which point in the yard area shall be acceptable to the Committee.

All proposed gutter and downspout elements and accessories, including but not limited to elbows, gutter screens, leader boxes, and helmets, etc. must be approved by the Committee prior to installation. Splash blocks and downspout extenders are not permitted in Whittier Heights.

Downspouts are required to penetrate any water table or projection on the exterior wall of the house. A coordinating detail to lead masonry construction and downspout installation is required on the house plans.

### **M. Curb Cuts.**

Curbs of streets may not be cut for any purpose, other than driveway connection with the fronting or siding street, but shall be cored for drainage discharge purposes as shown in EXHIBIT G.

### **N. Entry and Motor Court Lighting.**

Each house in Whittier Heights is required to have ornamental front entry lighting and ornamental motor court and garage lighting approved by the Committee. The minimum width of wall mounted front entry light fixtures is fifteen inches (15"). The minimum height of wall mounted front entry light fixtures is twenty-eight inches (28") measured without consideration of ornamentation above and below the body of the fixture, that is, at least twenty-eight inches (28") excluding ornamentation below the body of the lamp and the chimney, if any, and ornamentation above the body of the lamp. A light fixture proposed to be suspended from the soffit of a front entry stoop will be evaluated by the Committee on an individual basis and approved consistent with the size parameters herein for front entry wall-mounted fixtures. Typically, the minimum size of a suspended light fixture in a front entry stoop will be required to be the same as for wall mounted front entry light fixtures, i.e. twenty-eight inches (28") measured without consideration of ornamentation below the body of the lamp and the chimney, if any, and ornamentation above the body of the lamp. Motor courts are required to be lit by wall-mounted fixtures consistent in style, materials, finish, and means of illumination with those at the front entry. Secondary fixtures, such as at motor courts, e.g. those beside garage door openings, and other entry areas visible in public view, shall be a minimum of 18" high, which the Committee may permit to include all elements of ornamentation and the chimney of the light fixture, if it deems the massing of the light fixture appropriate to the house, and shall match or coordinate with the front entry light fixture(s).

Wall mounted front entry light fixtures should be hung so that the middle of the light fixture is six feet above the surface of the front stoop.

There shall be no security lighting in motor courts, except by carriage lamp or sconce that matches the front entry light fixture(s). Flood lighting is not permitted in Whittier Heights. The security lighting objectives of flood lights shall be accomplished by landscape downlighting in trees and wall-mounted sconces and carriage lamps that match the front entry light fixture(s). Lights employed for security may employ motion sensors.

### **O. Skylights, Solar collectors, Satellite Dishes, and Wind Generators.**

No skylights, tubular daylighting devices, solar collecting frames/panels, satellite dishes, and electricity generating wind turbines shall be mounted to or installed on any roof, wall of a house, or elsewhere on a Lot without prior approval of the Committee.

Skylights, tubular daylighting devices, solar collecting frames/panels, satellite dishes, and electricity generating wind turbines may not be installed within street or other public view. Skylights, solar collecting frames, satellite dishes, and electricity generating wind turbines shall be kept thoroughly screened from public view and view of adjacent properties.

All proposed skylights, tubular daylighting devices, solar collecting frames, satellite dishes, and electricity generating wind turbines shall be thoroughly described in a submittal for Committee consideration, which shall include a fully dimensioned diagram or photographic repre-

sentation of the device, proposed mounting height above ground, and location on the house or elsewhere on the Lot.

Wind generators to produce electricity are not permitted in Whittier Heights.

#### **P. Public Sidewalks.**

Except as otherwise required by the Committee, each house built in Whittier Heights is required to construct a four foot (4'-0") wide public sidewalk between five and one half feet (5'-6") and nine and one half feet (9'-6") back of the curb of the fronting street and of any siding street.

The house built on Lots 22 and 33 of Block B shall construct a five foot (5'-0") sidewalk adjacent to and dowelled into the curb of the fronting street.

The houses built on Lot 21, 27, 28, and 34 of Block A and Lot 1 of Block B shall construct a. a five foot (5'-0") wide public sidewalk adjacent to and dowelled into the curb of the fronting street and b. a four foot (4'-0") wide sidewalk in the area of the lot between five feet and one half feet (5'-6") and nine and one half feet (9'-6") back of the curb of the fronting street, according to a detailed plan promulgated for the lot based on a concept plan promulgated by the Committee at the time of house construction on each lot.

Lots 12 and 13 of Block D shall construct from the lot to the midpoint of Lot 22X of Block D a four foot (4'-0") wide public sidewalk between five and one half feet (5'-6") and nine and one half feet (9'-6") back of the curb of the fronting street.

Lot 22 of Block A shall construct east of the lot a. a five foot (5'-0") wide public sidewalk adjacent to and dowelled into the curb of the circular end of pavement of Whittier Lane and b. a four foot (4'-0") wide sidewalk extending south therefrom between five feet and one half feet (5'-6") and nine and one half feet (9'-6") back of the curb of the fronting street, according to a detailed plan promulgated for the lot by the Committee at the time of house construction on each lot.

All public sidewalks shall be of natural color concrete with light finish.

If the Developer has built any portion of the sidewalk that a lot owner is obligated to build, then the lot owner shall reimburse Developer for that portion of the sidewalk at a cost of \$6.00 per square foot.

#### **Q. Lead Walks**

Lead walks shall be a minimum of five feet (5'-0") wide. No lead walk may extend from a lot to the common open space along Providence Road, except in Whittier Heights Phase Two.

All lots may have a secondary walk extending from the driveway to the lead walk or front entry.

## **II. SITE MAINTENANCE DURING CONSTRUCTION**

Lot owners shall utilize such Best Management Practices as installation of hay bales, silt fences, rock entry and exit areas, and other means of erosion and sedimentation control as are required to prevent lot erosion and sediment from leaving the lot. Prior to when excavation or

construction activities are commenced, including the offloading of soil for purposes of filling the lot, equipment, or any construction materials, the lot owner shall undertake the Best Management Practices called for in the Federal Clean Water Act and the Texas Pollutant Discharge Elimination System program.

#### **A. Site Maintenance.**

Prior to commencing construction on a lot, the lot owner shall obtain coverage under the Texas Commission on Environmental Quality ("TCEQ") general permit authorizing storm water discharges from construction activities under the Texas Pollutant Discharge Elimination System program and shall comply diligently with the requirements of such program throughout the period of construction on the lot, including landscaping, as well as after construction is complete in order to fully comply with the federal Clean Water Act and the Texas Pollutant Discharge Elimination System program. This shall include immediate removal to a location approved by the Committee of soil from the lot that is deposited into a public street.

#### **B. TCEQ Permit.**

To evidence the above-described coverage, the lot owner shall deliver to the Committee, **at or prior to final plan submittal**, a copy of its Notice of Intent ("NOI") requesting coverage under TCEQ General Permit Number TXR150000 Relating to Discharges From Construction Activities for the Lot, certified to the Committee as having been filed with the permitting authority, or a copy of the lot owner's permit authorizing storm water discharges associated with construction activity for the Lot. The Committee shall not be obligated to review plans submitted to it until it has received the above-described NOI, certified to the Committee as having been filed with the permitting authority. The NOI form may be obtained online at [www.tceq.state.tx.us](http://www.tceq.state.tx.us) according to the most recent information available to the Committee. (Input NOI in the site search box in upper right of web page to bring up the form).

#### **C. Staging of Construction Activities, Trash, Debris, and Portable Toilets.**

All materials and debris associated with construction on a lot shall be contained within the lot boundaries. Materials and debris that inadvertently leave a lot shall be collected immediately and not less often than at the beginning of the work day and at the end of the work day by the lot owner or the lot owner's representative and disposed of properly. All debris shall be kept in a closed container, which shall not be allowed to be overfilled, i.e. not beyond the top of the sides of the container.

All construction activities at a lot, including but not limited to excavation, provision of fill, retaining wall construction, fence building, materials delivery, plumbing and foundation work, framing, roofing, application of exterior surface materials, flatwork and landscaping shall be kept contained within the lot, such that no such activities occur on nor is there use of other lots in Whittier Heights, whether residential lots, common open space areas or unpaved rights-of-way in Whittier Heights.

Except by prior written agreement, suppliers and sub-contractors are prohibited from entering any privately owned property in Whittier Heights, including common open space areas within the development, other than the property at which said suppliers and sub-contractors are engaged to work.

From before construction begins, the owner will insure that a portable toilet is placed on the lot. One unit typically suffices for up to 10 workers for a 40-hour week, i.e. for a maximum

of 400 man-hours, except in warm weather months, when the limit is considered to be 200 man-hours. Portable toilets shall be pumped and the inside sanitized no less often than once per week during the period of November 15 through March 15 and twice per week during the rest of the year.

#### **D. Trespass.**

The developer of Whittier Heights will seek enforcement of Texas Penal Code § 30.05 to the fullest extent possible.

### **III. LOT GRADING.**

Except as otherwise approved by the Committee, lots are required to be graded and to observe the directional flows for surface drainage shown on the grading plan promulgated for Whittier Heights by Goodwin and Marshall Engineers, Inc. approved by the City of Colleyville, and made a part of the CCRs. However, drainage from front to back of a lot shall not be allowed to flow along side property lines, if that would result in water from one lot entering upon another, adjacent lot.

#### **A. Drainage.**

Positive drainage away from all structures is required.

#### **B. Drainage to Open Space.**

Lots adjacent to open space are required to submit drainage plans satisfactory to the Committee for drainage proposed to flow onto the open space areas.

#### **C. Front Yard Slope.**

To the extent possible, front yards shall be graded with minimum slope necessary for proper site drainage, e.g. no more than one and one half percent grade, from the foundation of the house toward the street. A slightly convex, 3:1 slope shall be established in the front yard area closest to and parallel to the public walk to transition the portion of the yard with minimum slope to the grade established for the right of way in the Lot Grading Plan adopted by the Committee.

### **IV. BUILDING MATERIALS, FIXTURES AND CONSTRUCTION TECHNIQUES**

Lot Owner shall perform all construction on the Lots in a manner that consistently demonstrates high quality standards and artisanship and shall comply with all applicable laws, with the terms of Lot Owner's contract with Whittier Heights Limited Partnership for purchase of the lot, and with all reasonable rules and regulations established by the Committee pertaining to construction and landscaping on the Lots.

All proposed exterior materials, colors, fixtures, and equipment, whether house mounted or free standing, must be approved for each residential lot by the Committee in advance of construction or installation.

For new construction, renovation, and exterior paint or stain changes on an existing house on which construction began prior to June 1, 2009, a written Statement of Color Coordination prepared by a professional colorist is required to be submitted to the architectural control committee that reconciles for aesthetic purposes all elements of the exterior house color palette (masonry, roof, windows, doors, trim, gutters, and downspouts) and explains its appropriateness to the architecture of the house. Exterior paint or stain that was previously approved for an existing house on which construction began prior to June 1, 2009 may not be approved by the Committee for repainting or re-staining the house.

All proposed exterior materials shall be demonstrated in a sample panel (the "Exterior Materials Mockup Construction Detail" depicted in Exhibit CC that is created at the lot and preserved throughout construction until the time of finished grading. The sample panel shall be erected in a location on the lot that is proposed to the Committee in the preliminary and final house plans and be built strictly according to a diagram of the sample panel submitted as part of the preliminary house plans and the final house plans. Said diagram shall show all elements of the exterior of the house that are proposed for inclusion in the sample panel.

#### **A. Masonry.**

Materials permitted for use on exterior walls of houses and other structures in Whittier Heights are brick, stone, cast stone trim, and siding as described below.

True masonry stucco of Portland cement, lime and sand applied to lath or to masonry substrate is permitted in Whittier Heights, if determined by the Committee to be appropriate to the architectural style of the proposed house and used in a manner consistent with stylistic architectural precedent rather than for reasons of economy. However, the use of stucco in Whittier Heights is restricted:

- a. Stucco may not be used as a predominant exterior material on houses in Whittier Heights, except under the condition that there be, in the sole determination of the Committee, significant cast stone or cut limestone detailing at windows, door surrounds, entablature, wall caps, etc. to achieve a high stylistic depiction of the architecture chosen for the house, consistent with historic precedent, and such embellishments are attached to the superstructure of the house in a manner determined to be satisfactory to the Committee's by supplemental information provided by a licensed structural engineer or licensed architect acceptable to the Committee for purposes of rendering such an opinion, design, or design criteria.
- b. No more than one house utilizing stucco as the predominant material, as such proportion is determined by the Committee, shall be approved on each side of any street, and no house with stucco as the predominant material shall be built any closer than five lots across from and away from another house with stucco as the predominant material, irrespective of which side of the street, including side streets.
- c. Homes of Spanish, Italian or other styles of Mediterranean architectural derivation, shall have genuine clay barrel tile roofs or, with special Committee approval, simulated barrel tile roofs of clay or concrete.
- d. EFS technology is not permitted except when approved by the Committee as a final coat over masonry stucco applied to lath or to masonry substrate.

Proposed masonry, including materials proposed for mortar and the style of the mortar joint shall be submitted for Committee approval. Only natural gray or light colored mortars shall be used in Whittier Heights. No artificially color mortar may be used without special Committee

approval. Approved mortar joints are raked, struck or tooled. The Committee will consider other joints consistent with the historical archetype of the house.

Typical horizontal and vertical mortar joints of brick masonry on the exterior of residential structures in Whittier Heights are required to average three-eighths inch (3/8") and may not exceed one-half inch (1/2").

Typical horizontal and vertical mortar joints of all stone masonry on the exterior of residential structures in Whittier Heights are required to average one-half inch (1/2") and shall not exceed five-eighths inch (5/8").

Before installation, brick should be protected from water and soil, etc. by placing it on boards and covering with plastic.

On-site brick cutting can result in fine brick dust on the face of the brick. Dust can be minimized by cutting brick face down. Dust from on-site brick cutting is not permanent and can be removed by washing the brick with clean water and a bristle brush or by compressed air at a pressure of approximately 100 p.s.i.

Scaffold should be set up approximately 2" from the wall to allow mortar droppings to fall to the ground. After laying a brick cut off the excess mortar with a forward lifting and rolling motion of trowel. This motion will collect mortar and prevent smearing back onto the brick face. Mortar should not be cut so that the surplus drops to base of the wall. After tooling, cut off the mortar tailings with a trowel and brush mortar burrs and dust from the face of the brick. At the wall base, place sand, straw, sawdust or plastic along the ground to prevent mud from splashing onto the brick. Scaffolding planks closest to the wall should be turned on their sides at night to prevent water splashing onto the wall during an overnight rain storm.

All brick and stone masonry is required to be cleaned promptly following layup, whether installation is partial or complete, according to the recommended cleaning procedures of the brick manufacturer (or stone supplier, if stone is a masonry material used). The objective of the brick and stone masonry cleaning is to remove all mortar from the face of the brick and stone, unless pursuant to the Committee's determination, mortar left on the surface of the brick or stone is historically authentic.

Masonry can be marred by improper cleaning. Ideally, brick and stone should be cleaned without use of chemicals.

Mortar should be thumbprint hard before it is jointed, brushed and retooled. Otherwise, the brick will be smeared and require additional effort to clean.

Masonry cleaning is most easily accomplished shortly after laying by wiping off the excess mortar with a bristle brush. The next easiest cleaning method is to wash down the wall with only water and a brush the same or following day of laying. For brick laid in the morning, clean the brick in the late afternoon.

If masonry installation is incomplete at the end of the workday, the top of the wall should be covered to keep rainwater from entering the brick wall cavity. The purpose of covering the brick wall is to prevent excessive moisture from entering the brick cavity. Moisture in the brick wall cavity is prone to leach to the exterior of the brick wall, drawing soluble salts to the face of the brick resulting in efflorescence (deposits of white powder or crust on the surface of the masonry).

Unless otherwise approved by the Committee, all brick shall be laid up precisely in half (aka 'running' or 'stretcher') bond, as shown in Exhibit W. (See definition and illustration on pages 953 & 954 of the Dictionary of Architecture & Construction, Fourth Edition, by Cyril M. Harris). Flemish bond is also an approved layup pattern.

Queen size brick require cuts in bricks laid up at ends of walls to accomplish running bond pattern, and elsewhere as applicable to accommodate changes in layup, such as working in and out of soldier courses, etc.

Prior to installation, the lot owner shall submit for Committee approval an explanation of the brick cuts that will be necessary, if any, on the face of walls and at wall openings to achieve mortar joints consistent with half (stretcher) bond coursing, including rowlocks, soldier, bat, header, and sailor courses without core holes or frogs.

Brick sizes vary from manufacturer to manufacturer. It is builder's responsibility to instruct mason to cut the closer brick required to achieve stretcher bond/half bond and ensure proper layup.

Approved brick sizes, following Brick Industry Association specifications, are modular, engineer modular, and queen size: <http://www.gobrick.com/BIA/technotes/t10b.htm>  
Sawn bed stone cut on all four sides to achieve the maximum dimension mortar joint described above and concrete cast stone are permitted as a veneer and accent material respectively. Stone with chopped top, bottom, or sides is not approved for use in Whittier Heights.

Only level stone mortar joints are acceptable in Whittier Heights, i.e.

- a. Random-range quarry-faced ashlar, random-range dressed-faced ashlar, coursed quarry-faced ashlar, and coursed dressed ashlar with margin draft shown, all as shown on page 57 of the Dictionary of Architecture & Construction, Fourth Edition, by Cyril M. Harris, may be used;
- b. Mosaic-like stone layup, i.e. layup that does not resemble structural stonewalls, is not permitted; rubblework, as shown on page 837 of the Dictionary of Architecture & Construction, Fourth Edition, by Cyril M. Harris, is not an acceptable layup pattern.

All elements of the exterior color palette of homes in Whittier Heights are subject to approval of the Committee. For new construction, renovation, and exterior paint or stain changes on an existing house on which construction began prior to June 1, 2009, a written Statement of Color Coordination prepared by a professional colorist is required to be submitted to the architectural control committee that reconciles for aesthetic purposes all elements of the exterior house color palette (masonry, roof, windows, doors, trim, gutters, and downspouts) and explains its appropriateness to the architecture of the house. Proposed masonry, including color/materials proposed for mortar and the mortar joint form, whether raked, struck or tooled, shall be submitted for Committee approval along with all other elements of the exterior color palette, e.g., window frame color, roofing material, gutter and downspout color, paint and stain, and shall be demonstrated at the lot throughout construction in a sample panel, as described herein above and depicted in Exhibit BB).

Except with special Committee approval, no more than one inch (1") of vertical foundation face shall be exposed to the public, as determined by the Committee. For this purpose, the lot grading and drainage plan, the foundation plan, the foundation silhouette, and the structural engineer's foundation plan must be coordinated, such that a dropped brick ledge on the foundation is created in public view, including the foundation and footers for all masonry walls and col-

umns. The foundation plan, foundation silhouette, and the grading plan shall each one identify grade elevations of the other that are coordinated to achieve this objective.

The edges and beams of all foundation slabs shall be vibrated so that a smooth face and square edge is created. In those cases where, in the determination of the Committee, foundation installation produces uneven, honeycombed or other irregularities on the face or edges, the Contractor must parge the edges and/or face of the slab with latex concrete, so that the required smooth and square edge and face of the concrete foundation is attained.

## **B. Siding.**

Siding material approved for use in Whittier Heights is cedar and redwood clapboard and drop siding and Premium Grade and Number One Grade cedar shingles, as qualified by the Cedar Shake & Shingle Bureau. Normally smooth sawn siding will be required, but rough-sawn wood may be permitted in applications deemed appropriate by the Committee according to the architectural style of the house. Certain fiber cement (cementitious siding) products, such as Hardiplank, may be acceptable to the Committee, if proposed with dimensions, joinery, and in locations satisfactory, in its judgment, for authenticating the architectural style of the house.

All wood siding must be sealed and stained or painted to resist moisture, damage, and decay.

Other than shingles, natural wood, and fiber cement (cementitious siding) horizontal siding acceptable to the Committee, no other siding may be used on the exterior of homes in Whittier Heights. This prohibition does not include limited use, for example, as siding for dormer windows, of premium grade exterior plywood siding, which may be approved by the Committee in applications that authenticate the architectural style of the house.

Vertical siding is not permitted in Whittier Heights.

Horizontal siding patterns shall normally be lap joint (plain bevel or rabbeted bevel) and drop. The Committee may approve v-groove tongue and groove, v-shiplap, and cove shiplap, if appropriate to the architectural style of the house. Committee approval of siding texture is required. Normally, the Committee requires smooth finish siding.

The Committee may also approve use of stucco in lieu of siding as described above, including EFS final coat, if it deems that a. stucco authenticates the architectural style of the house and b. stucco is used in sufficient locations as to avoid the suggestion that use of stucco was driven by economic considerations. EFS coatings are not permitted except as a finish coat over authentic lath and stucco construction, i.e. masonry substrate. Faux stucco finish on sheet siding is prohibited.

Siding shall be applied between vertical end boards or posts, according to the architectural style of the house, rather than behind trim applied over siding to terminate a run of siding or to close the end joints.

Vinyl siding, aluminum siding, pressed board siding, engineered wood siding, and panel siding are not approved for use in Whittier Heights.

All plans submitted for Committee review must have wall sections that include detailing of all proposed siding and related trim, closure applications, and masonry veneer

## **C. Trim Materials and Soffit Board**

Fascia boards on front and side elevations must have complex molding detail submitted to and approved by the Committee. Normally crown molding applications shall be at least six inches (6") tall.

All plans submitted for Committee review must have wall sections that include detailing of eaves fascia, barge boards (if the architecture employs one or more gables), and brick pocket. Barge boards, brick pocket boards, and eaves fascia are required to be no less than 1x material.

A scaled drawing showing all dormer siding, trim, brick molding, and other non-masonry detailing satisfactory to the Committee shall be submitted for its approval. The objective of such detailing is for it to lead construction and allow post construction verification.

All trim shall be smooth, high quality finish-grade wood stock, stained or painted as approved by the Committee. The Committee may grant exceptions in writing as to materials that may be used for trim. Without Committee approval, no composition wood products shall be used for exterior trim with the exception that exterior grade finished veneer plywood and smooth finish engineered wood soffit board, such as Trimcraft, may be used for soffits.

Engineered wood products approved for use by the Committee are required to be fastened according to the manufacturer's installation instructions, re-primed as necessary and painted according to the manufacturer's finishing details. Field cut ends should be primed before final installation, as recommended by the manufacturer. Scratches, gouges, dents, etc., should be repaired according to the manufacturer's recommendations.

Prior to installation, all trim applications must be proposed to the Committee with sufficient specifications and details in the Committee's opinion for it to render a decision, including:

- a. If fascia board is to be jointed along any one continuous run of fascia, the joint must be a wood spline joint, square splice, or tongue and groove, and all fascias must be of the same material, i.e. wood and not cementitious or other non-wood product.
- b. All fascia board at corners must be mitered and blocked with sufficient closure so that it will paint out with a smooth corner so that the joint is not detectable from the public sidewalk.
- c. Trim clips are disallowed
- d. Fascia board is required to be stepped at the drip mold.
- e. Drip mold is required to have a complex milled surface, e.g. a bead

The trim boards comprising the entablature at the meeting of the roof and the top of exterior walls must have a quality of complexity achieved through built up with:

- a. bed molding with steps of bead molding and/or crown molding; or
- b. traditional detail appropriate to the style of the house, such as dentil molding.

Bargeboard is required to be wood and provided complexity with milled drip molding. When creating a sweeping, i.e. gently curving, bargeboard in a gable that follows the sweep of the roof plane, the following requirements must be observed:

- a. A spatulated bargeboard allows a straight-line extension of the bottom chord (of barge) and a sweeping extension of top chord (of barge.) The diverging lines create a spatulated tip that can be decoratively treated with a scroll or other decorative profile along the bottom chord. The straight extension of the bottom

chord allows the brick pocket and projected rowlocks and/or soldiers to be run in a straight line thereby avoiding cut masonry;

- b. All elements of the sweeping barge, including, for example, the drip mold, must be jointed so that no joint occurs in the sweep radius, i.e. not within the curving portion of the sweeping barge. The closest joint in all elements of a sweeping barge may be no closer than 8" up the rake from the point where the curving portion of the sweeping barge begins and the straight portion of the sweeping barge ends.
- c. Bargeboard is required to be joined by spline joint.

Columns may be of a material other than wood, provided that material is stone or painted steel.

Where siding comes to an opening or a corner and would create a joint, a post may be required to be framed in lieu of vertical trim to close the joint. Fascia material (siding or masonry) must be installed tight to the side the post. Or, the Committee may allow vertical trim in lieu of a post to be used where siding comes to an opening or a corner. Said trim must be of substantial width and depth for the purpose of simulating a post. If the Committee permits a vertical corner post to be simulated with a heavy timber, such as a 2" x 8" wood plank, the related siding must be installed up to, not under, the vertical post simulating heavy timber and the front and side wood planks that simulate the corner post joined by rabbet, dado and rabbet, or dado, tongue, and rabbet joinery.

On dormers, trim must be at least 3-1/2 inches wide. Glass in dormers must equal at least seventy-five percent (75%) of the front surface of the dormer window, unless special approval is granted by the Committee for less percentage of glass.

On other areas of siding, the trim must be wide enough to comprise a decorative solution acceptable to the Committee, but in no case shall it be smaller than 3-1/2".

#### **D. Paint and Stain Colors.**

For new construction, renovation, and exterior paint or stain changes on an existing house on which construction began prior to June 1, 2009, a written Statement of Color Coordination prepared by a professional colorist is required to be submitted to the architectural control committee that reconciles for aesthetic purposes all elements of the exterior house color palette (masonry, roof, windows, doors, trim, gutters, and downspouts) and explains its appropriateness to the architecture of the house. Exterior paint or stain that was previously approved for an existing house on which construction began prior to June 1, 2009 must comply in all respects with provisions of revised aesthetic standards and may not be approved as before. See example in Exhibit BB.

Most homeowners use paint to finish wood siding. Paint is available in many colors and shades. Penetrating wood stains for fences, posts, beams, etc. are also available in many colors and shades, but only clear sealer, transparent stain with gray hue, and light gray bleaching oils are permitted for these purposes in Whittier Heights.

Typical stains let some wood grain show through, while most paint applications are designed to provide a solid, opaque surface. Paint covers wood completely, which is not desirable if the wood is redwood or cedar. The best choice for redwood and cedar is a clear sealer, a transparent (gray) stain, or (gray) bleaching oil, which each of which protects the wood but lets its natural beauty come through.

All paint and stain colors proposed for use in Whittier Heights must be approved by the Committee as a part of the entire color palette for the structure, including all elements of masonry (brick, stone, cast stone, mortar), roofing materials, windows and doors visible in street view, siding, and trim, which are required to be explained in a Statement of Color Coordination prepared by a professional colorist

Stains shall have all of the following attributes:

- a. Transparent quality that allows wood grain and texture to be seen;
- b. Seek to emulate the natural colors of weathered wood; as wood weathers, the base color tends toward gray; special Committee approval is necessary for stain color with base tones of fallow, khaki, or tan;
- c. Redwood stains and other red, mahogany and medium to dark brown stains will not be approved.

#### **E. Roofs.**

Roofing material is required to be asphalt laminate with fiberglass mat base, ceramically colored/UV-resistant mineral surface granules across the entire face of shingle, two-piece laminated shingle with contrasting shadow line, Manufacturer's Architectural or Designer High Definition Series, 30-year warranty, 240 lbs. per square minimum.

Colors are to be blends identified as 'Weathered Wood', 'Hearthstone Gray', 'Heatherblend', 'Driftwood', 'Colonial Slate', 'Estate Gray', etc., but lighter colors, darker colors, essentially solid colors and reds, blues and greens are not permitted.

Without Committee approval, roof penetrations other than chimneys, i.e. vents and plumbing stacks, shall not be visible from street view and shall be painted to blend with roof material.

Every effort shall be made to reduce the number of plumbing stacks penetrating the roof by combining runs of same below the roof.

All roof penetrations are required to be mounted straight and perpendicular to the ground plane (except for skylights and attic ventilators).

Turbine attic vents are not permitted in Whittier Heights.

The Committee may approve natural slate, high quality clay tile and standing seam metal roofing.

Concrete tile, roofing materials made from recycled materials, stone-coated steel roofing and other metal shingles may not be utilized for roofing in Whittier Heights, except with special Committee approval, if appropriate to the style of the house, e.g. simulated barrel tile of concrete.

Only copper or galvanized metal standing seam materials and construction, as appropriate to the architectural style of the house, are permitted for shed roofs.

Only lead stepped flashing of consistent dimensional elements and high quality installation is permitted at the intersection of a wall and a sloping roof. See page 942 of the *Dictionary of Architecture & Construction*, Fourth Edition, edited by Cyril M. Harris.

## **F. Windows.**

House design is required follow principles regarding windows that are delineated in the following architectural guides:

- a. *Get Your House Right: Architectural Elements to Use & Avoid* by Marianne Cusato & Ben Pentreath, et al
- b. *What Not to Build: Do's and Don'ts of Exterior Home Design* by Sandra Edelman, Judy Gaman, and Robby Reid, R.A.
- c. *Traditional Construction Patterns: Design and Detail Rules of Thumb* by Stephen A. Mouzon, et al

Windows in Whittier Heights that are visible in public view must be genuine or simulated divided light windows with external grilles at least one inch wide and internal space bars. Windows that have internal grids between the glass but no external grilles are not permitted in street view.

The non-glass elements of windows in street view may only be wood, aluminum-clad wood, or premium grade vinyl. The non-glass elements of all other windows of the house may be wood, aluminum-clad wood, or vinyl that matches in all respects the street view wood windows of the house, except that external grilles are not required if not visible in public view.

All windows must have brick molding no less than two inches (2") wide and three inches (3") deep that is elaborated in a refined manner, such as:

- a. routed return bead (see Quirk Bead in *Dictionary of Architecture & Construction*, Fourth Edition, edited by Cyril M. Harris;
- b. rectilinear projected outline, as seen at these URLs:
  - i. <http://timberlaneshutters.com/abt.php>
  - ii. <http://timberlaneshutters.com/ext.php>
- c. rabbet, rabbeted bead, or rabbeted quarter round;
- d. quarter round or quarter round with double rabbeted bead;
- e. etc.

If shutters are proposed for the house, shutters must be operable, or appear in the judgment of the Committee to be operable, in which circumstance, the brick molding shall be wide enough for the hinge of the operable/non-operable shutter to be affixed to a substantial brick molding, e.g., four inches (4") deep. Shutters shall also have operable or non-operable shutter dogs. Shutters will not normally be approved to be held by permanent means in the closed position, however, proposals will be considered that provide a scaled and fully dimensioned construction detail that displays hardware, including hinges, latches, shutter dogs, and proposed means of fully hidden permanent attachment.

Brick molding material may be wood or a synthetic product acceptable to the Committee, e.g., Marley Quick Trim manufactured by Royal Mouldings Limited ([www.ROYALMOULDINGS.COM](http://www.ROYALMOULDINGS.COM)). Acceptable brick molding is paintable polymer or wood and manufacturer's brick molding compatible with the approved window unit. All molding shall have traditional milled detail, as in Marley Quick Trim Brick Mould LWM 180 2341.

Simulated divided lights shall be achieved by exterior manufacturer-applied grilles with spacers installed between two panes of glass and aligned with the exterior and interior grilles, nominally one inch (1") wide.

Divided lights, whether simulated or actual panes, shall have a nominal width and height of eight inches by ten inches (8"x10"), that is, all lights in divided light windows shall have greater height than width, or otherwise be informed by the architectural style of the house. That is, exceptions to these eight inches by ten inches (8"x10") standard dimensions, which are proposed for architectural authenticity or proposed for consistency of light sizes on an elevation, will be considered by the Committee.

Except with special approval of the Committee, a round arch or eyebrow arch window shall be achieved only by a full height divided light window and not by a square-topped window with masonry, siding or other special treatment applied above the square-topped window to create a simulated arch/eyebrow.

No windows shall exceed nor fall below opacity required to achieve minimum Low Emission ("Low E") standards for EnergyStar compliance in Tarrant County, Texas.

Proposed windows shall be identified in a fully explanatory schedule keyed to the house plans and accompanied by manufacturer's product brochure or other clarifying photographic or diagrammatic information that clearly identifies the specific product and all relevant materials, overall and particular dimensions, profiles, and colors of:

- a. sash;
- b. muntins and bars;
- c. glazing;
- d. brick molding.

A sample of the window product proposed must be included in the Exterior Materials Mockup Construction Detail and approved in writing by the Committee prior to ordering and installation. See Exhibit CC.

Windows attached together are required to have a wood mullion routed or enhanced with molding to demonstrate fine craftsmanship consistent with high expression of the architectural style of the house. See, for example, *Traditional Construction Patterns: Design & Details Rules of Thumb*, page 138, and *Get Your House Right*, page 95. A scaled and dimensioned construction wood mullion detail to lead fabrication and installation is required for windows proposed to be joined as a part of the house plans.

Window mulling may not be accomplished with masonry, except cast stone or cut or shaped brick according to special Committee approval of brick layup, for example, in the style of Edwin Lutyens shown on page 77 of *Edwin Lutyens Country Houses* by Gavin Stamp.

Windows that have internal grids between the glass but no external grilles are not permitted in street view.

Brick molding is required at all windows and doors, unless cast stone surrounds the full window or door opening. Windows joined together by complementary wood mullions should have brick molding surrounding the complex of joined windows that is satisfactory to the Committee for authenticating the architectural style of the house.

No reflective glazing or blackout windows are permitted. Tinted glass and glass with dark adhesive film with transmission coefficient exceeding twenty-seven percent (27%) is prohibited on street visible windows.

All street visible windows shall be made of the same materials, architectural design and specifications.

Window screens, if proposed for windows in public view, shall be submitted to the Committee for approval. Window screens in public view will not normally be approved.

Interior windows coverings may be premium quality blinds, draperies, or plantation shutters designed for interior use. All interior window coverings are required to be consistent when viewed together (jointly) on one or more elevations.

### **G. Pedestrian and Garage Doors and Other Openings**

The Committee is guided in its interpretation of pedestrian doors by reference to Virginia and Lee McAlester's *A Field Guide to American Houses* and *Wrought Iron in Architecture: An Illustrated Survey* by Gerald K. Geerlings. Pedestrian doors are required to be wood or wood with glass, including wood muntin bars, brick molding, and frame consistent with the architectural style of the house.

Steel or aluminum doors typically will not be approved. The Committee seeks only designs, materials and fixtures that authenticate traditional architectural styles. Except where stylistically appropriate, embellished steel doors are seen as a passing fad that do not authenticate most architecture.

Cast stone called for in cased opening at front entry stoops, window-like openings without glazing, etc. shall be applied to the front and back and return of the opening and meet the face of the opening in a well-crafted and weather tight manner.

Garage doors visible in street view shall be wood or wood veneered. Only single garage door openings are permitted. Double garage doors are not permitted.

Arched garage bay openings require arched garage doors or doors that simulate an arched top. See photo 2 on page 145 of *Traditional Construction Patterns: Design & Details Rules of Thumb*.

### **H. Dormer Windows.**

Principles of good design utilizing dormer windows that are delineated in the design guides cited above are to be observed. A scaled, fully dimensioned drawing that provides all dormer window details and specifications sufficient to guide construction shall be submitted for Committee approval as part of the house plans. Only dormer windows that comply with the "Seventy-five Percent Test" will be approved. See *What Not to Build: Do's and Don'ts of Exterior Home Design*, page 158, and dormer design considerations of *Get Your House Right*, pages 114-121.

### **I. Driveway and Motor Court Surfaces.**

Only natural color, lightly broom-finished concrete may be used as driveway material from the street side of the public walk to a fronting or side street.

Materials approved for driveways, beginning at the public walk and extending to and throughout any motor court to the garage doors, are natural color broom-finished or sandblasted concrete and brick and stone coordinated with the masonry materials of the house.

Brick or stone bands or edging extending toward the motor court and garage from the public walk are encouraged.

Driveway and lead walk design, material, and finish are required to be consistent with one another.

The use of stamped concrete, washed aggregate, salt finished, and seeded exposed aggregate is not permitted in driveways and motor courts.

#### **J. Lead walks and Related Steps.**

Approved materials for lead walks beginning at the house side of the public walk and extending to the steps of the house are natural color light broom-finished and sandblasted concrete, as well as brick and cut stone coordinated with the masonry materials of the house. All other walks -- other than the public walk(s) -- as well as driveway(s), and motor court(s) are required to be coordinated with the lead walk by use of the common materials and architectural design.

The risers and treads of walks are required to be surfaced with brick or cut stone of the same material as is approved for the front stoop surface.

Brick or stone bands and/or edging of lead walks and curbside arrival areas with width greater than the five foot (5'-0") lead walk are encouraged.

The lead walk that extends from the house to the public walk and any other walk extending to the house from a public walk shall have one or more five or six inch steps located approximately eighteen inches (1'-6") from the public walk, if the change in grade between the public sidewalk and the finished pad of the house is six inches (6") or greater.

Said lead walk steps and steps of any other walk extending to the house from a public walk shall be built between two architecturally consistent plinths or planters with the steps in between lighted at night by photoelectric cell.

Steps at the front entry stoop are required to be surfaced on the tread and riser with the same material as is approved for the stoop surface. Surfacing step treads and risers elsewhere that they occur in the lead walk is encouraged.

Handrails, if required, must have a high level of artistic detail and crafting, complementing the architectural style of the house and consistent with any other ironwork at the house and/or in the landscape. Dimensioned, detailed design sufficient to lead fabrication and installation, materials and specifications of handrails must be approved by the Committee as part of the house or landscape plans.

The use of stamped concrete, washed aggregate, salt finished, and seeded exposed aggregate is not permitted in sidewalks, porches, and any other exterior flatwork.

#### **K. Public Sidewalks.**

Public sidewalks shall be four feet (4'-0") wide and constructed of natural color broom-finished concrete throughout Whittier Heights.

#### **L. Entry Light Fixtures.**

The height of entry light fixtures shall be at least twenty-eight inches (28") excluding ornamentation and chimneys, and minimum 15" wide.

Illumination provided by entry light fixtures shall be only from natural gas or clear incandescent bulbs, i.e., no colored lights permitted. Artificial gas 'flicker' light bulbs are prohibited.

Wall-mounted front entry light fixtures shall be duplicates of one another, unless a single wall-mounted front entry light fixture is approved by the Committee. The mounting height of front entry light fixtures shall be six feet (6'-0") measured from the center of the fixture to the finished surface of the front entry stoop. No duplicate fixture shall be mounted so that its top is higher or lower than the height of the top of its twin.

A single light fixture proposed to be mounted over the front entry shall have a housing at least twenty-eight inches tall, exclusive of ornamentation, and a width of no less than one third (1/3) the height of the fixture. The exact mounting height of the fixture requires Committee approval.

All aspects of low column-mounted entry light fixtures require Committee approval. The Committee shall be guided in its deliberations by the standards for wall-mounted front entry light fixtures. In addition, the posts of such low column-mounted entry light fixtures shall be completely obscured by a simple decorative flange with a width (or diameter, if round) at least ninety percent of the width (or diameter, if round) of the base of the housing of the light fixture.

Light fixtures shall be centered where mounted: on surfaces beside entries, on the surface above the entry, or on low columns beside the entry. The mounting surface shall be prepared smooth in order that the light fixture may be applied without gap against the mounting surface.

Secondary fixtures, such as at garages, and other entry areas, shall be a minimum of 18" high and shall match or coordinate with primary fixtures.

Light fixture information submitted for approval by the Committee shall include to the Committee's satisfaction all aspects of the fixtures, e.g. materials, whether gas or electric illumination, color, mounting arms/plates/posts, and mounting heights, including scaled and fully dimensioned drawings minimum fixture height and minimum fixture width.

#### **M. Entry Surfaces and Porch Surfaces in Public View.**

The front entry of houses in Whittier Heights are required have an stoop, whether enclosed or not, that is ample in size and with elevation at least two five inch (5") risers above the elevation of the finished pad of the Lot and related house end of the lead walk. The stoop and the risers and tread of associated steps must be surfaced with brick, stone, or substantial clay tile materials and design or layup approved by the Committee. The use of stamped concrete, washed aggregate, salt finished, and seeded exposed aggregate is not permitted.

Approved materials for surfaces of front entry stoops and porches in public view are only veneers of brick, stone, or substantial clay tile, consistent with the masonry of the house and finish of walks and driveway. All aspects of such veneers must be approved by the Committee.

The thickness of stone used on entry surfaces is required to be at least one inch thick, and the stone is required to be cut to provide a smooth surface. Brick surfaces are required to be comprised of full height brick rather than cut brick.

The concrete front entry and porch foundation on which approved brick, stone, or clay tile shall take into consideration the offset necessary to accommodate the surfacing material proposed, which shall be shown on the foundation plan of the house submitted for Committee review.

## **V. LANDSCAPE PLANS AND SPECIFICATIONS**

### **A. Landscape Plans (General Description)**

Landscape plans shall consist of:

**Cover Sheet.** Each set of landscape plans shall be provided a cover sheet with the Statement of Architectural Intent for the house built or to be built on the lot and the name of the house, if any, approved by the Committee, the name of the property owner(s), the builder's name, and the name of the designer, along with basic contact information for builder and designer.

**Grading and Drainage Plan.** Grading and Drainage Plan must show property lines, rights of way, easements, setback lines, house footprint, and one-foot (1'-0") finished grade contours and spot elevations to effect the landscape designer's intended flows and no more than one and one half percent (1.5%) front yard gradient from the elevation of the finished pad to the top of the 3:1 slightly convex ("bellied") transition to the public walk. Included in the Grading and Drainage Plan should be top of curb elevations on city-approved lot grading plans, the finish pad ("FP") elevation, finished floor ("FF") elevation (including floor elevation of all garage bays), elevation of dropped brick ledge, high points in the finished grade of the yard, grades at the bottom of swales, top(s) and bottom(s) of retaining wall(s), critical elevations in flatwork, sump elevations for inlets of underground piping, and arrows indicating drainage flows.

Existing grades and finished pad and finished floor elevations shown shall be those actually determined at the building site for the lot and the house.

In addition, the Grading and Drainage Plan is required to show a. critical proposed final grades on adjacent lots that have no residential improvements and b. actual critical grades on adjacent lots that have residential improvements, which adjacent critical grades are required to be taken into account in establishing the proposed finished grades, contours, and drainage flows of the lot for which landscape plans are presented, in order to prevent surface drainage of the lot from entering any adjacent private property other than common areas of Whittier Heights.

Other Grading and Drainage Plan information required is:

- a. top(s) of curb(s) in adjacent right(s)-of-way as shown on the lot grading plan in the CCRs and verified by landscape designer;
- b. roof drainage diagram, showing locations of all downspouts and describing the means of evacuating roof drainage to public drainage facilities off-site of the Lot;
- c. plan note that calls for boring rather than saw cutting any street curb to daylight drainage pipe;

- d. locations of proposed daylighting of drainage pipe in side- and/or rearyards;

**Landscape Layout Plan.** Landscape Layout Plan must show property lines, rights of way, easements, setback lines, house footprint, flatwork, foundation bed and yard planting improvements, the locations of retaining wall(s), fences, pedestrian gates, driveway gates and related operating equipment, stepping stones, swimming pool and related improvements and equipment, and recreational improvements. The rear yard is required to have extensive foundation and other yard planting of design similar to the front yard. Sideyard planting may be less extensive, provided that other standards for screening, etc. are met.

**Detail Sheet(s).** One or more detail sheets is required that provide Whittier Heights Aesthetic Standards exhibits pertinent to the proposed landscape installation and such other details as are needed to describe the intended outcome of various landscape elements, to lead their installation, and to permit verification post construction or installation, e.g. walk steps and plinths, including related lighting; stepping stones; retaining walls with elevation(s) at the top and bottom of the walls at each end and at each step in the walls; dimensioned fencing and pedestrian gate designs and specifications, including gate hardware; fencing in relation to retaining walls, if any, at ends and at each step in the wall and fence; design and detailed specifications of driveway gates, including location(s) of operating equipment relating to driveway gates; full information regarding proposed recreational and play equipment, such as swings, play structures, basketball goals; play courts, etc.; satellite dish or discs and other antennae; audio and video equipment; bird and other wildlife houses; flagpoles; fountains, sculpture, statuary, wind chimes, and other yard art proposed, if any; outdoor furniture visible in public view; etc.

**Planting Plan with Detailed Plant List.** The Planting Plans with Detailed Plant List shall be consonant with Landscape Layout Plan, provide plant identification (both scientific and common names) by species, variety and cultivar, if any, along with number of plants called for, initial plant size and spacing proposed, and plant size at maturity; information for fully screening playground equipment and other outdoor ground- or wall-mounted equipment is required.

**Lawn and Bed Irrigation Layout, Hydraulic Calculations, and Specifications, including Identification of Proposed Equipment.** Include plan notes stating: a) Risers in planting beds visible to the public will be copper, b) Only popup spray heads (no rotors) will be used in front- and sideyards and in rear yards visible to the public, c) All trees in front yard and parkway (and within fifteen feet of any open space area adjacent to the rear and/or side lot line of a lot) to be irrigated with tree bubblers on a dedicated zone of the irrigation controller; d) Native trees, if any, should be irrigated on separate zone(s); and e) No trenching is permitted in the root zone/within the drip line of native trees or across the root ball of non-native transplanted trees. All irrigation plans are required to bear the seal of the Texas-licensed irrigation contractor approved to work in Whittier Heights who prepared the plan.

Water conservation objectives of the Texas Council of Environmental Quality embodied in regulations effective January 1, 2009 are endorsed by the Committee.

Consistent with those objectives, the Committee requires installation of drip irrigation in all new planting beds, in the parkway between the public walk and the curb of a public street, and irrigation system upgrading, when a previously installed irrigation system is altered, in order that the altered irrigation system meets or exceeds the requirements of Section 344.62 Minimum Design and Installation Requirements.

**Tree Bubbler Plan.**

**Landscape Structures Plan.**

**Landscape and Security Lighting Layout and Specifications.** Plan requirements include identification of light fixtures purposed, as well as the lighting effect of proposed equipment and the area each fixture will illuminate. Only "moonlighting" is permitted for yard areas and for lighting any portion of the face of a house. Security lighting may only be provided by house mounted carriage lamps or sconces and by fixtures creating "moonlighting" effect in the yard area. Include plan notes stating the bulb type proposed. Landscape lighting may be plain mercury vapor, Halogen, Xenon, LED, or metal halide electric discharge lamps only. Security lighting may be provided by landscape lighting and/or wall-mounted carriage lamps or sconces.. HID or high intensity high pressure sodium and low pressure sodium electric discharge bulbs are prohibited on residential lots in the development without special Committee approval. The only fluorescent lighting permitted on the exterior of houses and in the landscape of Whittier Heights is from compact fluorescent light bulbs that are ENERGY STAR and provide warm white or soft white light with a color rendering index around 80.

**Approved Landscape Installation Contractors and Subcontractors.** All currently approved landscape installation contractors and subcontractors are required to be listed on a separate sheet of proposed plans.

**B. Landscape drawings (Grading and Drainage Plan; Landscape Layout Plan; Detail Sheet(s); Planting Plan with Detailed Plant List; Lawn and Bed Irrigation Layout, Hydraulic Calculations, and Specifications, including Identification of Proposed Equipment; Tree Bubbler Plan; Landscape and Security Lighting Layout and Specifications; Approved Landscape Installation Contractors and Subcontractors)**

1. All sheets of landscape drawings are required:
  - a. to be drawn at one inch equals ten feet (1" = 10'-0") or one-eighth inch equals one foot (1/8" = 1'-0") scale and to identify north by means of a directional arrow;
  - b. to bear the initial date of preparation and all revision dates;
  - c. to identify the lot owner, builder, landscape architect, and all approved landscape contractors and subcontractors; and
  - d. to show property lines, rights of way, easements, and setback lines and an accurate foundation profile of all structures and all hardscape, e.g. driveways, motor courts, sidewalks, retaining walls, screening walls, and fencing, built or proposed on the lot, as well as known and reasonably knowable structures on adjacent lots with potential to affect or influence landscape and hardscape on the lot;
  - e. to show finished grades and topographic contours;
  - f. to contain notes that inform installation, e.g. maximum height of steel edging, no curb cuts but only cut coring allowed, etc.

A. Landscape design criteria for homes with front porches or terraces are found on EXHIBIT

**C. Landscape Design, Plans and Materials**

The Planting Layout shall address all elements of design, as well as plant and hardscape materials (e.g. bed edging, if any, and bed preparation), including:

- a. bed dimensions
- b. bed preparation
- c. tree planting and staking, if any

- d. turf
- e. required information described above in the Detailed Plant List may be provided on the Planting Layout.

The form of planting beds is required to relate to and complement the architecture of nearby structures on the Lot and to be compatible with landscaping of adjacent properties.

Shrubs proposed beneath (i.e. in front of) windows shall identify on the Detailed Plant List the sill height of related windows and the height of such shrubs at maturity, with the source of information regarding mature height identified therein, e.g. *Neil Sperry's Complete Book of Texas Gardening, 2nd Edition*.

Front planting beds (and foundation planting beds of the house adjacent to a side street, open areas, and common space within the development) are required to be a minimum of eight feet (8'0") in depth, as measured from the foundation to the edge of the bed farthest from the foundation.

A minimum of three descending layers of evergreen plants is required in foundation planting beds, the tallest (upper layer) to be nearest the foundation.

- a. The upper layer shall consist of medium evergreen shrubs, maturing at no more than 36-48".
- b. Plants located in front of windows may not exceed height of window sill at maturity.
- c. Shrubs planted in street visible beds in the upper layer shall be from at least five-gallon (5 gal.) containers, and shrubs planted in street visible beds in the middle layer shall be from at least three-gallon (3 gal.) containers. All foundation bed plants are required to meet minimum specifications of the 'American Standard for Nursery Stock' as published by the American Nursery & Landscape Association, May 12, 2004, and recommended by the Texas Nursery & Landscape Association. See EXHIBIT L.1 for details.
- d. Groundcover material, e.g. in the third (lowest) foundation planting bed, should be planted from minimum four-inch (4") pots, planted no farther apart than twelve inches (12") on center, with offset/triangular spacing. Plants are required to meet minimum specifications of the 'American Standard for Nursery Stock' as published by the American Nursery & Landscape Association, May 12, 2004, and recommended by the Texas Nursery & Landscape Association. See EXHIBIT L.1 for details.
- e. The number of different plant species in front and side beds may not exceed five (5), in order to produce generous massing.
  - i. Specimen ornamentals are excepted from maximum species count.
  - ii. Large shrubs, maturing at ten foot (10'-0") or larger, may not be planted nearer than five feet (5'-0") from the foundation of any structure, the lead walk, fences, or the driveway and motor court.

Areas designated for planting beds shall have all construction debris and the top four inches (4") of soil removed and disposed of. Planting beds shall have a minimum of six inches (6") of Living Earth Professional Bedding Soil tilled into the top ten inches (10") of soil and the Living Earth Professional Bedding Soil amended, at the rate of 13 lbs per 100 per s.f., Osmocote 19-5-9 plus Minors with Poly-S nitrogen and Osmocote NPK. Organic amendments improve moisture retention in sandy soils and improve drainage in clay soils, enhancing plants' ability to thrive.

(Soil tests reveal that native soils in the Colleyville area contain little organic materials, which are critical for successful plant growth.)

Planting beds are required to be mulched a minimum depth of 2" and no greater than 4". Mulch may not contain pecan hulls but shall be ONLY hardwood mulch or, with the approval of the Committee, pine straw mulch.

Approved bed edging is only steel painted dark green or a beveled, trenched edge. All other bed edging proposed requires special Committee approval. Specifications and manner of installation of bed edging must be detailed in a plan note on the hardscape or landscape plan.

- a. Edging is required to be installed so that it is virtually invisible when landscape is installed, allowing the turf and shrubs to define the border of the bed.
- b. Bed edging must be installed so that it is no higher than 2" above the lower of freshly mowed grass and finished grade prior to sod installation.
- c. Steel edging material shall be 12 gauge and either 3/16 x 4 inches x 16 feet or 1/4 x 5 inches x 16 feet. Anchoring stakes should be manufacturer's standard 16 inches tapered steel.
- d. Brick or stone bed edging materials are prohibited in landscaped areas in public view, except with special Committee approval.
- e. If brick or stone bed edging is approved, only dark-toned, natural materials will normally be approved for bed edging. Light-colored stone/brick distracts the eye, creates conflict with the lines of the house and imposes a harsh visual 'barrier' between street and house. Brick or stone bed edging, if approved by the Committee, must be installed at two inches (2") above finished grade before sod is installed.
- f. Concrete mow strips are acceptable if finished a dark color tone, as used on the house, and installed at two inches (2") above finished grade before sod is installed.

Use of weed barrier aka landscape fabric is not permitted in Whittier Heights.

Plant spacing depicted in the Planting Layout and plants called out in the Detailed Plant List shall be such that planting beds will be entirely covered within two growing seasons, and no portion of planting beds may be left unplanted, i.e. no 'mulch beds', with the exception of areas beneath preserved native trees.

Areas in foundation beds reserved for seasonal color should not exceed nine square feet in any location and no more than 18 square feet total in the front of the house, unless the Committee grants approval of especially well thought-out seasonal color plantings and a concomitant planting schedule, which must be diligently maintained or the seasonal color areas replaced with ground cover or other foundation planting approved by the Committee.

'Floating' or island planting beds, as determined by the Committee in its sole discretion, are prohibited. Good design dictates that planting beds be 'anchored', originating and terminating with the structure(s) built on the lot or with natural forms, such as preserved native trees.

Only those tree species listed on EXHIBIT L are approved to be planted in Whittier Heights. Prior to planting, all trees must be approved for use in Whittier Heights.

- a. Developer may, but is not obligated to, provide and plant street trees at no cost to Lot Owner approximately when Lot Owner landscapes each lot.

- b. Otherwise, Lot owner is required to i. provide, ii. plant prior to occupancy, and iii. maintain trees in the yard area that are of the species, variety, size and quality approved by or required by the Committee in the planting plan.

Trees may not be planted closer than fifteen feet (15') from the foundation of structures, except with Committee approval.

- a. Trees should be mulched a minimum depth of two inches (2") and no greater than four inches (4"). Mulch conserves moisture and retards weeds, but mulch depth greater than four inches (4") is detrimental to the health of the tree. Or, trees may not be mulched but have sod installed and lawn maintained up to the tree trunk with substantial, Committee-approved eight inch (8") tall gray colored trunk protection kept about the base of the tree trunk to prevent damage to the bark of the tree, e.g. the NDS Trunk Protector:

<http://www.ndspro.com/cms/index.php/15-landscape/trunk-protector.html>



- b. Mulch is required to be kept at least a finger's width from tree trunks to avoid moisture, rodent and insect damage.
- c. Trees should be inspected by the planting contractor before installation to be sure the 'flare' is exposed. If the flare is not apparent, soil should be removed from the top of tree's root ball to the extent necessary to expose flare before planting. If soil must be removed to a depth that causes extensive loss of roots, threatening viability of the tree, then the tree should be rejected and replaced with a tree of satisfactory quality.
- d. The top of the root ball after exposing flare should be the planting grade.

No plant materials other than sod and ground cover are permitted to be planted beneath the drip line of trees, without Committee approval. The primary feeder roots of trees are in the top eighteen inches (18") of the root zone; therefore, disturbing the root zone of trees is detrimental to their health.

No bed edging, groundcover, perennial or annual color plantings around/under trees will be approved by the Committee unless trees are included in a planting bed, as defined above. That is, no "island" beds are permitted in Whittier Heights. Groundcover (or perennials/annuals, if approved by the Committee) should be planted outside the tree's root zone or root ball, if newly transplanted, and allowed to grow into the root zone.

To provide the best environment for survival of native trees, NO planting is permitted beneath native trees except as may be approved by the Committee.

- a. Only mulch (as above), natural leaf mold or plants requiring little irrigation (such as native coralberry) should be used in areas of preserved native trees such as post oak and blackjack oak.

- b. Any planting approved by the Committee under existing native trees should be installed at or near the edge of the drip zone of the tree (farthest extent of canopy) and allowed to grow into the drip zone.

If grass or ground cover is approved for planting under/adjacent to trees, trunk protection approved by the Committee is required to be kept at all times around the trunk of the tree to protect bark from trimmer/mower damage.

Yard areas other than planting beds and hardscape areas are required to be solid sodded prior to occupancy of the house and perpetually maintained by the lot owner in a healthy condition thereafter.

- a. Grass seeding, including hydromulch, may not be substituted for solid sodding of the yard area, except with Committee approval.
- b. All other yard areas other than planting beds or hardscape must be one hundred percent covered by approved grass to a density of seventy percent (70%) within thirty days of first occupancy of the house on the lot.

Grass established on any lot must be consistent, that is, one species only. Invasion of other species shall be treated with herbicide and eliminated as soon as possible.

- a. Approved warm season grass in Whittier Heights is common Bermuda or St. Augustine.
- b. With special approval of the Committee, fescue may be used in shady areas where approved warm season grass has proven difficult to grow.
- c. And, with the special approval of the Committee, buffalo grass may be planted in lieu of common Bermuda or St. Augustine grass. Rye grass may be used to overseed warm season grasses and grown in fall, winter and early spring.

Artificial plants are prohibited for exterior applications in Whittier Heights.

#### **D. Hardscape Layout and Specifications.**

All elements of hardscape, which includes flatwork (driveway, walks, steps, terraces, patios, concrete decks, sport court, etc.), walls, columns, fencing, plinths, swimming pool, spa, etc. and related equipment, and every other constructed or installed element outside the footprint of the house, such as landscape structures such as play equipment, arbors and pergolas, outdoor fireplaces and related chimneys, rocks in the landscape and rock structures proposed as part of swimming pool improvements, mechanical equipment, satellite discs, electricity generating windmills/turbines, shall be shown on and thoroughly described in landscape plans submitted to the Committee, including detailed specifications on the plans or on separate sheets of information referred to on the plans. Additionally, all elements of sculpture, statuary, wind chimes, recreational equipment, outdoor art, flag poles, free standing planters, audio and video equipment, etc. shall be noted and detailed specifications provided for Committee consideration.

#### **E. Retaining Wall Layout and Specifications.**

Retaining walls, if required, on the downhill side of each lot are required to be built by each lot owner according to the criteria of *EXHIBIT M*, including related wood and steel fencing, unless otherwise approved by the Committee.

Structural design of retaining walls shall be based upon thorough and professional investigation of all relevant matters, including but not limited to soils and anticipated groundwater

conditions of the site, hydrostatic and lateral earth pressure including potential surcharge behind the wall, overturning and sliding forces induced by retained earth, the bearing capacity of the soil, minimum ASTM standards for materials, the weight and wind load effects of fencing anchored in the wall, and surface drainage of storm water.

Retaining walls shall be built according to said structural design using best construction practices, including mortar joint sizes specified herein on the face and top of retaining walls.

Architectural design of retaining walls shall be proposed by the lot owner to the Whittier Heights Architectural Control Committee for approval prior to the beginning of construction. For this purpose, scaled and dimensioned drawings (layout and elevation) with top of wall and bottom of wall notations shall be submitted that are sufficient to lead construction and allow post construction verification versus approved plans. Particular attention must be given by the lot owner to explaining the relationship of the face of the wall to the lot property line, the terminus proposed at each end of the wall, proposed wall height and grades at the bottom and at the top of the wall, and the interrelationship of fencing associated with the wall and fencing proposed nearby. All exposed retaining wall surfaces shall have mortar joints that all respects meet maximum width criteria of less than or equal to five-eighths inch (5/8").

The face of sideyard retaining walls shall be constructed in a plane extending vertically from the sideyard property line, i.e. at a 90 degree angle to level ground at the base of the wall plumb with the side property line.

The surface of retaining walls shall be horizontally coursed Millsap sandstone typically four, five or six inches in height with slightly raked natural gray mortar. Pseudisodomum coursing is permitted. Exposed surfaces shall be properly cleaned of mortar.

Side yard retaining walls shall be a maximum of four feet (4') in height.

Changes in elevation of walls shall be accomplished by incremental steps not greater than six inches (6"), rather than angling or sloping to accommodate grade change.

Other than sediment control as described above in II. SITE MAINTENANCE DURING CONSTRUCTION, lot grading and preparation for retaining wall construction, no improvements may be undertaken on any lot until retaining wall construction and related lot grading is complete.

If, prior to construction of a house built on any uphill lot, the adjacent, downhill lot owner has built an uphill sideyard retaining wall and/or fencing, said wall and/or fence shall be deemed to be the requisite downhill retaining wall/fence required herein to be built by the uphill lot owner and, upon written notice from the Committee or from the Declarant of the Whittier Heights CCR's (the "Sideyard Wall/Fence Reimbursement Notice") the uphill lot owner shall promptly reimburse the downhill lot owner, or other person as is designated in the Sideyard Wall/Fence Reimbursement Notice, the cost of design and construction of the wall and any related fencing specified therein, as is reasonably determined by the Committee or the Declarant of the Whittier Heights CCR's in its (their) sole discretion. Upon the designated party's receipt of said reimbursement, the uphill lot owner shall be provided by the designated party a full written release of its obligation for such reimbursement.

#### **F. Fencing.**

All yards shall be fenced, as described herein, by means of a wood fence and/or steel fence, according to a plan acceptable to the Committee, which shall extend along the common

property line of lots and be built with steel posts integral to any retaining wall in the same location.

All posts and columns shall be installed wholly upon the property of the first lot owner to build, with the exception of lots abutting common space. On lots abutting common space, the posts and columns of fencing shall be installed wholly on the property of the owner responsible for erecting the fence. Fence panels shall be centered upon corner posts or columns.

Fencing nominally along the downhill side property line of each lot is required to be built by each lot owner according to the details of *M, O, P & Q*, and as otherwise described herein.

If, prior to construction of the house built on any uphill lot, the adjacent, downhill lot owner has built an uphill sideyard fence, said fence shall be deemed to be the requisite downhill fence required herein to be built by the uphill lot owner and, upon written notice from the Committee or from the Declarant of the Whittier Heights CCR's (the "Sideyard Wall/Fence Reimbursement Notice") the uphill lot owner shall promptly reimburse the downhill lot owner, or other person as is designated in the Sideyard Wall/Fence Reimbursement Notice, the cost of design and construction of the fencing specified therein, as is reasonably determined by Seller in its sole discretion. Upon the designated party's receipt of said reimbursement, the uphill lot owner shall be provided by the designated party a full written release of its obligation for such reimbursement.

Fencing of each lot is required to conform to EXHIBITS O through Q-1, as applicable. However, the Committee may approve modifications to fencing, both as to design, height and location, and require more stringent design criteria. If necessary for pet control, the Committee will consider a standard steel fence constructed with a series of additional, shortened fence pickets, each set half way between standard height steel pickets at four inches on center (4" o.c.). A request for picket spacing variance for pet control must be submitted to the Committee for approval with a fully developed fence layout and construction details as part of the Hardscape Plan. Considerations of height of the additional short pickets will be given to meet the dual objectives of pet confinement and aesthetic effect.

Fencing along side property lines shall consist of:

- a. the standard Whittier Heights wood fence (EXHIBIT O); and/or
- b. the standard Whittier Heights steel fence (EXHIBIT P).

Wood fencing shall have two and three-eighths inch (2-3/8") diameter steel posts set thirty-six inches (36") deep in a twelve inch diameter, three feet-six inch (3'-6") deep footing of 3000 p.s.i. concrete at eight feet (8'-0") on center and installed integral to any retaining wall built in the same area; sideyard fence posts shall be installed integral to any retaining wall approximately six inches (6") toward the uphill lot from the side property line.

The height of a wood fence excluding any retaining wall on which it is built or built adjacent to shall be nominally six feet (6'-0") tall and not exceed six and one-half feet (6'-6") at any point. The total permitted height of a wood fence, including any retaining wall on which it is constructed or built adjacent to, shall not exceed ten feet (10'-0") above the lowest adjacent finished grade.

Steel fencing shall have 2" x 2" square steel posts set thirty-six inches (36") deep in a twelve inch diameter, three feet-six inch (3'-6") deep footing of 3000 p.s.i. concrete at eight feet (8'-0") on center and installed integral to any retaining wall built in the same area, the location within the wall relative to the property line to be determined at the time of plan submittal, typi-

cally centered in wall cap. Steel fencing shall terminate in a manner approved by the Committee according to the particular aesthetic objectives of the house and landscaping at issue. For example, elaborated sideyard fence returns shall typically end in 3" x 3" or 4" x 4" tubular steel posts with appropriately stylized cap, but other requirements may be imposed by the Committee

The height of a steel fence excluding any retaining wall on which it is built or built adjacent to shall be nominally five feet (5'-0") tall and not exceed five and one half feet (5'-6") at any point. The total permitted height of a steel fence, including any retaining wall on which it is constructed or built adjacent to, shall not exceed eight feet (8'-0") above the lowest adjacent finished grade.

Fences are required to maintain a level elevation along the top of the fence, i.e. there shall be no portion of any fence with a top that is not level horizontally. Where grade changes necessitate height changes in a fence to maintain level elevation, 'steps' shall be made in six-inch (6") increments.

Side yard wood fences are required to be faced on the outside of the lot, that is, built with the face of the fence on the outside and visible from the adjacent lot. Fences may be double faced.

Sideyard wood fences may be faced on the interior with submittal and approval of EXHIBIT O-1 WOOD FENCING CONSENT AND WAIVER AGREEMENT.

If faced on the interior, the first lot owner to construct a wood fence is required to install in the tops of all steel fence posts a flat steel post cap prior to installation of the 2" x 4" cedar cap shown in EXHIBIT O. The lot owner who subsequently builds on the adjacent lot is required to remove all flat steel post caps and install the second 2" x 4" cedar cap shown in Exhibit Q.

Wood fences may be faced on the interior with submittal and approval of EXHIBIT O-1 WOOD FENCING CONSENT AND WAIVER AGREEMENT.

If faced on the interior, the first lot owner to construct a wood fence is required to install in the tops of all steel fence posts a flat steel post cap prior to installation of the 2" x 4" cedar cap shown in EXHIBIT O. The lot owner who subsequently builds on the adjacent lot is required to remove all flat steel post caps and install the second 2" x 4" cedar cap shown in EXHIBIT O.

The wood sideyard fencing described in EXHIBIT O shall be built on the side and rear property lines of all lots, except lots backing or siding to common open space, which require a standard steel fence rather than a wood fence.

Steel fencing shall be painted or powder-coated flat black or bronze black, as approved by the Committee.

At the Committee's discretion, the front yard and the rear yard terminus of a wood side yard fence shall be either a solid wood post, or a standard steel post within a wood framed column as depicted in EXHIBIT Q or Q-I, as applicable.

The front yard terminus of any wood sideyard fence shall be approximately sixteen feet (16'0") behind the front building line or, if on the side of the house with a front side motor court, approximately eight feet (8'0") behind the nearest front elevation of the house served by the motor court.

The rear yard terminus of a wood side yard fence connecting to a steel rear fence shall be a standard steel post within a wood framed column as depicted in EXHIBIT Q or Q-I, as applicable, or at the Committee's discretion, a solid wood post of equal dimensions. The rear terminus of any wood sideyard fence of a lot backing to common area shall be approximately eight feet (8'0") toward the front of the lot from the rear property line as depicted in EXHIBIT P-1.

No wood fences, steel fences, or screening walls may extend forward of the front building line without approval of the Committee.

Whether front side yard screening visible from facing streets (and side streets of corner lots) ("Front Side Yard Screening") is achieved by a masonry wall, steel fencing, wood fencing or some combination thereof, Front Side Yard Screening shall be designed and crafted to convey a level of artisanship ("elaborated") consistent with the architectural style of the house and satisfactory to the Committee and substantially vary from other Front Side Yard Screening nearby.

Wood fencing used for Front Side Yard Screening, i.e. a wood front sideyard fence return, shall be elaborated, e.g. of board and batten or board on board design, capped in the same fashion as the standard sideyard privacy fence required in the Whittier Heights Aesthetic Standards, with trim boards at the base and top of the face of the fence and vertical trim on the inside of fence columns. Side Yard Screening fences shall terminate at each end in a standard sideyard screening fence built-out column as shown in EXHIBITS Q, Q-1, or at the Committee's discretion, a solid wood post of equal dimensions. Any gate in a Side Yard Screening fence shall be an elaborated gate, for example with garden arbor above, and hung between standard sideyard screening fence built-out columns as shown in EXHIBITS Q, Q-1, or at the Committee's discretion, a solid wood post of equal dimensions.

Steel fences used for Front Side Yard Screening shall be (1) elaborated with high grade forged steel ornamental components in top and bottom fence adornment comprised of decorative horizontal panels or horizontal rows of rings, diamonds, vining patterns, etc. or (2) elaborated with twisted vertical bars, cages on bar, bars set closer than standard 4" o.c. with every other bar at half height or less, etc. The Committee views cast spear points as overused to the point of being hackneyed and does not allow their use. However, high quality forged spear points may be used with Committee approval.

Drive gates shall be consistent with the design and materials of elaborated Side Yard Screening.

Where a steel fence enclosing the front of a sideyard intersects a required sideyard fence, retaining wall or the house structure, it is required to terminate at each end in a standard 3" x 3" steel column at the closest practical point adjacent to the sideyard fence, retaining wall or structure or a 4" x 4" tubular steel posts with appropriately stylized cap, but other requirements may be imposed by the Committee. Such fences when built perpendicular to the house structure and sideyard fence shall observe the requirements below.

The front of the sideyard shall be enclosed by an elaborated steel fence if forward of The Sideyard Fence Transition Point (EXHIBIT Q) or may be enclosed by an elaborated wood fence if at or behind The Sideyard Fence Transition Point approved for Whittier Heights.

Said fence shall be built perpendicular to the side of the house structure and connect from the house structure in a straight run of fence to intersect the sideyard fence.

The total height of the sideyard enclosure fence shall not exceed the height standard for the type of material used, whether steel fence or wood fence, nor the height of the sideyard fence it intersects.

When fence lines will intersect, as at corners, typically the Committee requires that the height of any predecessor fence, with which a new fence will intersect will determine the height of the new fence.

Evergreen plant material used to provide screening at the steel fences must be selected from the approved plant list for such purposes (i.e. various hollies, wax myrtle, nandina, Indian hawthorn, vines, and such others as may be approved.)

Masonry columns are not permitted on the side property line of interior (non-corner) lots except according to the following design and construction criteria and must receive special Committee approval.

- a. If a front sideyard walk gate is proposed in fencing parallel with the fronting street, it shall be an elaborated gate of design acceptable to the Committee and hung within an opening created by an approximately eighteen inch (18") to twenty-four inch (24") square masonry column, of the same material as that of the house, pilastered to (or with Committee approval, adjoined to) the house structure and a second, identical, approximately eighteen inch (18") to twenty-four inch (24") square masonry column set parallel to and between thirty (30") and forty-two inches (42") from the first column toward the side property line; the design and materials for said masonry columns require Committee approval and must be so thorough as to fully explain and lead construction and installation, as well as to allow post construction verification versus plans.
- b. An elaborated steel fence compatible in design with the walk gate and otherwise consistent with sideyard steel fence standards shall extend from the center of the masonry column nearest the side property line to a standard three-inch by three-inch (3" x 3") steel corner post with a post cap, which shall be set on the side property line and which shall be the steel corner post described herein as the front corner post for sideyard steel fencing.
- c. If a front sideyard gate is not proposed in fencing parallel to the fronting street, the masonry column proposed for an ungated front sideyard shall be approximately eighteen inches (18") to twenty-four inches (24") square, located no less than 18" from the side property line and connected to the house structure by a low masonry wall, of the same material as that of the house, with elaborated steel fencing approved by the Committee installed above the low masonry wall between the house and the column.
- d. The masonry column in the non-gated front sideyard shall be connected to the side property line by an elaborated steel fence of the same design as that atop the low masonry wall and consistent with the elaborated steel fencing of the other front sideyard (if any); a three-inch (3" x 3") corner steel post shall terminate the elaborated steel fence at the side property line and shall be the corner steel corner post described herein as the front corner post for sideyard steel fencing.
- e. The Committee shall direct the locations of the above-described masonry columns in order to coordinate them with anticipated or existing fence posts and columns of adjacent property owners.

### **G. Screening Walls.**

Detailed plans for screening walls must be approved by the Committee. All elements of screening walls, including architectural design, structural design, and specifications, are required to be consistent with those of the primary structure, including dropped brick ledge, and be an acceptable design of masonry and/or masonry and steel fencing, as determined by the Committee.

### **H. Drive Gates.**

Design enrichment of drive gates is an objective of the Committee, consistent with the high aesthetic ideals of Whittier Heights.

The design, materials, specifications, and operating equipment of proposed drive gates is required with level of detail to enable fabrication, mounting, and post installation verification. Drive gates shall be consistent with the design and materials of Side Yard Screening, as well as any other ornamental iron used on the house, if applicable. All elements on the exterior of the house and landscaping are required to be consistent in architectural style.

Mechanical equipment of drive gates shall be located on the inside of motor courts, hidden from view to the extent possible. Drive gates may not be operated by electricity from a solar collector but must be hard wired for electricity connected directly to the house as source.

If masonry columns where the driveway and the motor court join are proposed or are required by the Committee, drive gates are required to be suspended from steel posts made integral to said masonry columns.

### **I. Motor Courts.**

Special requirements apply to front side entry garage motor courts, if approved by the Committee, for the purpose of minimizing their exposure to the public and for enhancing the appearance of what is seen in public view:

In its sole determination, based on its evaluation of various elements of the house, driveway, motor court, proposed landscaping, and the composite appearance of these elements relative to one another in view of the public, the Committee may require one or more of the following for screening front side entry motor courts and related garage doors:

- a. elaborated steel fencing erected generally in a plane parallel with the front elevation of the house and/or
- b. masonry wall(s) and/or
- c. evergreen plant materials of a height, spread and form that within one year of planting will screen the motor court from street view

Front motor courts may be required by the Committee to have a mechanically operated driveway gate located where the driveway and the motor court join.

Driveway gates shall be hung from steel posts set in concrete and enclosed in masonry columns of brick or stone matching that of the main structure and approximately eighteen to twenty-four inches (18"-24") square.

Mechanical equipment of gates, including operating arms, shall be mounted on the motor court side of the driveway gate columns.

If any space results between the masonry post and the sideyard steel fence, it shall be closed and the motor court screened by either:

- a. an ornamental steel fence planted with evergreen materials; or
- b. a masonry wall; or
- c. a combination of a. and b. consistent with the other front screening of the motor court.

If an elaborated steel fence is employed for this purpose, there shall be a substantial ornamental steel corner post provided at the intersection of the front and side motor court steel fences.

Except for motor courts permitted by the Committee adjacent to common open space in Whittier Heights, the standard steel fencing shall extend nominally along the side property line from the elaborated steel corner post the full depth of the motor court to a point approximately sixteen feet (16'-0") behind the front building line or approximately eight feet (8'-0") behind the closest front elevation of the house served by the motor court, whichever is farther from the fronting street.

This shall be a transition point (herein below "The Sideyard Fence Transition Point"), at which the standard steel fencing is required to connect to an 8" square, built-out wood column to which, on the opposite side nominally along the side property line, is required to be erected:

- a. the standard Whittier Heights wood fence or, if a retaining wall is utilized,
- b. the standard Whittier Heights wood fence above the standard Whittier Heights retaining wall.

The total height of each of (i) and (ii) shall not exceed the limitations of herein stated.

If a motor court is permitted adjacent to open space in Whittier Heights, the standard steel fencing shall extend from the ornamental steel corner post the full depth of the motor court and beyond to the back corner of the lot, where it shall join the standard Whittier Heights rear yard fence.

The unpaved sideyard beyond the motor court shall be enclosed:

- a. by the standard steel fence if forward of The Sideyard Fence Transition Point; or
- b. may be enclosed by the standard wood fence if at or behind The Sideyard Fence Transition Point approved for Whittier Heights (herein called the "Motor Court Back Fence"); such fence shall be built perpendicular to the side of the house structure and connect from an eight inch (8") square wood column at the house structure in a straight run of fence to a like-sized square wood column at the intersection with the sideyard fence.

The Motor Court Back Fence may be gated according to a design approved by the Committee.

The total height of the Motor Court Back Fence shall not exceed the height standard for the type of material used in the Motor Court Back Fence nor the height of the fence it intersects at The Sideyard Fence Transition Point.

Non-structural members of the ornamental steel fencing, driveway gates, and sideyard gates shall not be narrower than three-fourths inch (3/4"). Structural members of driveway

gates shall not be narrower than two inches (2"). Posts of gates other than driveway gates shall be no narrower than two inches (2").

The edge of a motor court shall not come closer to the inner edge of the sideyard retaining wall than eighteen inches (18") and no closer to the side property line than twenty-four inches (24"), if no sideyard retaining wall is required.

An irrigated planting bed shall be established in the open area between the edge of the motor court and the inner edge of the retaining wall or the side property line, in which shall be planted and maintained evergreen vines trained on the ornamental steel fence or other evergreen plant materials to block with one year's growth the view of the garage area from the adjacent lot.

Before any retaining wall and fence construction commences, it shall be the obligation of the owner of the lot to anticipate construction of a home on the adjacent lot(s) and propose to the Committee for approval hardscape, fencing, landscaping, and irrigation compatible with the eventual construction of a house and landscaping on the side(s) where no home(s) is/are yet built. Areas of consideration are illustrated in *EXHIBITS R, S & T*.

The guiding objectives for such proposals shall be to accomplish:

- a. Enclosure of motor courts by means of ornamental or standard steel fencing with evergreen plant materials to screen garage openings from adjacent lots;
- b. Wood fencing between lots that ends no nearer to the fronting street than eight feet behind the farther back of adjacent front house elevations; and
- c. Steel or wood fencing built perpendicular to adjacent houses, intersecting the sideyard fencing to enclose side/back yards.

Outside storage is acceptable only if completely screened from public view. Motor courts may not be designed or built to accommodate regular vehicle storage. i.e., an extension of the motor court on the side of the house to accommodate head-in or back-in parking will not be approved.

#### **J. Fountains, Statuary, Sculpture, Flagpoles, Wind Chimes, Audio and Video Equipment, and Other Yard Art**

All such features proposed require Committee approval, which shall not normally be given, if in public view, and may be restricted for use elsewhere on a lot.

#### **K. Elements of Terraces, Patios, and Porches in Public View.**

All aspects of terraces, patios, and porches must be submitted to and approved by the Committee, including lights, furniture, audio, appliances and other items that in the reasonable determination of the Committee might impact the enjoyment and value of properties within Whittier Heights or the public's respect for the neighborhood.

Hammocks are not permitted to be hung on porches, terraces, and patios within street view.

Electric refrigeration and non-wood burning outdoor heating equipment are prohibited on porches, terraces, and patios within public view.

The means of wood burning outdoor heating on porches, terraces, and patios within street view shall be hidden from public view by permanent landscaping, e.g. by a hedge, low wall or vine covered metal fencing, and shall be only by traditional fireplace with chimney of dimensions and architectural design consistent with the style of the primary structure, or by free standing steel or clay fire basket, patio heater, or chimenea approved by the Committee.

#### **L. Public Area Access at Rear Property Line**

Access to public area space is not required from a rear yard, but if constructed shall be of a design acceptable to the Committee, including, but not limited to representative designs in EXHIBITS U-3.

Back- and sideyard landscaping of lots backing to common areas or siding to Providence Road is required to be installed at the time construction is completed and prior to occupancy.

#### **M. Open Space Planting Plan.**

The landscape standards for lots backing common areas are intended to achieve a landscape with pleasing interaction between the grounds of homes and the common areas, while encouraging individual design to create the charm and refined qualities associated with venerated neighborhoods, such as Kansas City's Country Club District, Fort Worth's Westover Hills, and Baltimore's Guilford neighborhood. Access to the Commons shall be designed to relate to the design and landscape of the residence and create an attractive, harmonious relationship with the common open space areas.

Tree planting in open space areas and available to each lot shall be determined by the developer of Whittier Heights.

Developer's open space planting concept *may* include trees to be planted on the owner's lot to enhance the visual relationship between lots and open space. An alternate planting plan may be proposed with owner's submittal of landscape design, if appropriate to the footprint of house, screening needs, pool, etc.

Separate irrigation is required of the lot owner to water trees planted by the developer in the fifteen-foot (15'-0") area of the open space behind lots in Block A and Block D. Said irrigation shall be by approximately 20' overlapping rotary heads, placed on the common area side of the rear property line of said lots, and drip irrigation to individual trees in the fifteen-foot (15'-0") area of the open space behind lots in Block B, which is switched by dedicated zone of the irrigation controller for the lot.

Screening plantings, if any, shall be all or, at the Committee's determination, substantially evergreen, organic, naturalized drifts of a minimum number of species of varying sizes and textures.

Solid hedges, i.e. rows of a single species, are not permitted in relation to the rear or side of a lot closer than ten feet (10') to a property line common with open space, and such hedges must be maintained at no greater than six foot (6') height.

#### **N. Rear Property Walls, Fencing and Landscape.**

For the purpose of enclosing or screening the rear yard area of lots adjacent to open space, the retaining wall, fencing and landscape standards of EXHIBITS M, P, P-1 & U-3 must be

followed. The Committee may grant a waiver of screening of a rear yard area, if proposed by a lot owner.

If a lot owner proposes to use landscaping but no retaining wall and/or fencing at the rear of lots siding or backing to common areas, the Committee may approve what is proposed or require the retaining wall, fencing and landscape standards of EXHIBITS M, P, P-1 & U-3, or some modification thereof.

The base and/or face of any retaining wall, fencing or landscaping employed on the rear of lots shall be located so that no elements extend beyond the rear property line.

#### **O. Mailboxes**

Only the standard mailbox shown in EXHIBITS C or C-1 may be installed in Whittier Heights.

The standard mailbox stanchion, landscaping and irrigation are required, all as shown in EXHIBITS C or C-1.

The location of mailboxes is determined by the United States Postal Service and must be shown on the landscape plan submitted for approval. Approved mailbox locations are shown on EXHIBIT X.

#### **P. Mechanical Equipment.**

All wall vents and exterior mechanical equipment such as A/C compressors, electric and gas meters, junction boxes, satellite dishes/discs, pool equipment, electric generating devices, etc. shall be completely screened from view. Any such equipment that would be visible to the public must be shown on the landscape plan, with the intended means of screening, which may be an evergreen screen.

#### **Q. Permanent Recreation Equipment**

Permanent recreation equipment, such as basketball goals and play structures shall not be placed in any front yards or in streetside yards of corner lots, unless otherwise approved by the Committee, which shall require thorough screening of said equipment.

Basketball goals, if approved, must be thoroughly screened from public view by tall trees or shrubbery. The equipment should be selected in subdued colors to blend with the façade of the house to the extent possible. Only Committee-approved, fully screened goals may remain in view permanently. Ground-mounted goals may be approved, if, in the sole judgment of the Committee, said goals are entirely screened from view in a manner acceptable to the Committee by means of evergreen shrubs or appropriately located deciduous trees. Portable goals, not acceptably screened in the Committee's determination, may not be placed and allowed to remain on driveways or in any other area in public view except when in actual use, e.g. such goals may not be left in view overnight.

Any play structure taller than six feet (6'-0") is required to be permanently screened with plant materials that substantially block the view of it from any direction and to thoroughly screen it from view of neighboring private property in a manner approved by the Committee.

The proposed location of any recreational structure, including arbors, pergolas, and similar structures, relative to neighboring common and private property will be taken into consideration, it being an objective of the Committee to place at a distance from neighboring private property the view and source of noise from use of the structure and to assure screening of the highest point of structure from view of adjacent lot(s).

Bright colors of canvas or frame of a recreational structure will not be approved.

#### **R. Detailed Plant List**

All plants proposed for a lot shall be proposed in a detailed plant list for Committee approval in writing. The list shall be included on the Planting Plan.

Only plants identified on EXHIBIT L may be used without special Committee approval.

Botanical name, common name, cultivar or variety name, if applicable, size at planting, size at maturity, and spacing shall be identified on the plant list, which is required to be keyed to the Planting Plan with Detailed Plant List.

Plants installed are required to at least meet minimum specifications of the 'American Standard for Nursery Stock' as published by the American Nursery & Landscape Association, May 12, 2004, and recommended by the Texas Nursery & Landscape Association. See EXHIBIT L.1 for details.

Exotic forms of plants (spiral, topiary, weeping, variegated) will not be approved by the Committee for use in street view or view from adjacent lots.

#### **S. Irrigation Layout and Specifications**

Thoroughly developed irrigation plans, whether for initial installation or modification of an existing system, are required to be submitted to and approved by the Committee prior to the initiation of the related work.

All irrigation plans and installation are required to meet minimum specifications and requirements of the Texas Commission on Environmental Quality, and all irrigation plans must be designed by and bear the seal of a State of Texas licensed irrigation designer/contractor approved by the Committee to provide such services in Whittier Heights.

Pop-up spray heads are required for lawn areas, except (1) drip irrigation is required in all new planting beds; for new home construction, in the parkway between the public walk and the curb of a public street; and irrigation system upgrading, when a previously installed irrigation system is altered, in order that the altered irrigation system meets or exceeds the requirements of Section 344.62 Minimum Design and Installation Requirements, and (2) rotary heads may be utilized at the rear of lots in Block A and Block D for the purpose of irrigating nearby grass and tree planting in common areas.

Separate, dedicated irrigation stations and bubblers are required to irrigate all trees other than those located in irrigated planting beds, including trees planted in rights-of-way (hereinafter called "street trees").

Appropriate irrigation, separate from nearby lawn irrigation, is required for mailbox planting areas as shown in EXHIBIT C/C-1.

Separate, dedicated irrigation is required to water the lawn area and trees planted by the developer in the fifteen-foot (15'-0") area of common area open space behind or beside lots. Said irrigation shall be by approximately 20' overlapping rotary heads, placed on the common area side of the rear property line of lots, and drip or bubbler irrigation separately switched by a dedicated station on the irrigation controller.

The area beneath native trees may not be irrigated except with the approval of the Committee from pop-up spray heads regulated by a separate station on the irrigation controller or by Committee approved temporary means. Said pop-up spray heads shall be placed outside the drip zone of native trees, if approved by the Committee, to irrigate toward the tree. No trenching for irrigation lines or other apparatus shall be done in the area within the drip zone of preserved native trees. During periods of substantial or frequent measurable rain, irrigation in the area beneath native trees should not be set on an automatic schedule using the dedicated controller station. Instead, the area beneath native trees should not be irrigated. Only during periods of drought and during summer months of high heat and infrequent or only trace rainfall should the areas under native trees be irrigated automatically using the dedicated controller station.

Transplanted native trees provided by the Developer will initially require more frequent irrigation than native trees, but will require less water than other areas of the landscape within three to four years of planting. The owner should consult the Developer's Landscape Superintendent for the appropriate frequency and length of irrigation for transplanted native trees. No planting is permitted beneath transplanted trees, other than turf and, with special Committee approval, native plant materials such as Coralberry.

#### **T. Landscape and Security Lighting.**

The Layout and Specifications of Landscape and Security Lighting are required to be approved by the Committee. To create a harmonious nighttime aspect and to avoid the artificial demarcation resulting from autonomous landscape lighting installations, only landscape lighting fixtures installed to create a moonlighting effect will be approved.

All security lighting proposed for a lot must be approved by the Committee as to location, fixture, bulb type, and means of attachment to trees. Attaching lighting fixtures to trees of caliper size not likely to tolerate invasion of a. the phloem, the "pipeline" through which nutrients and water are passed to the rest of the tree, b. the cambium cell layer, which is the growing part of the trunk that annually produces new bark and new wood in response to hormones that pass down through the phloem with food from the leaves, c. the sapwood, which is the tree's pipeline for water moving up to the leaves, and d. the heartwood.

Bulbs used in security lighting may be incandescent, plain mercury vapor or metal halide electric discharge lamps only.

Bulbs used in landscape lighting may be plain mercury vapor or metal halide electric discharge lamps only.

HID or high intensity high pressure sodium and low pressure sodium electric discharge bulbs are prohibited on residential lots in Whittier Heights.

Fluorescent bulbs are prohibited, except from compact fluorescent light bulbs that are ENERGY STAR and provide warm white or soft white light with a color rendering index around 80.

## **VI. POST LANDSCAPE INSTALLATION MAINTENANCE**

### **A. Turf**

Bermuda grass, St. Augustine grass, and winter season grasses are required to be neatly edged and mowed to maintain a height of no more than four inches.

### **B. Ornamental Grasses**

Ornamental grasses, including liriopse, should be cut back to or near the ground in late winter before new growth begins, generally in late February.

### **C. Seasonal Color**

Annual flowerbeds are required to be kept neat, with dead plants promptly removed and promptly replaced, except for brief periods between each of the four seasons. If, in the Committee's sole determination this requirement is not met, the Committee may require that the annual flower beds not kept neat, with dead plants promptly removed and promptly replaced be immediately planted with ground cover from no smaller than four inch (4") pots at nine inches (9") on center and properly maintained so ensure the ground cover thrives.

### **D. Perennial Plants**

Perennials are required to be maintained as needed and individual plants replaced to avoid bare areas, except as a result of winter dormancy. Large areas of winter-dormant perennials must be avoided by interplanting with evergreen perennials, annual color and bulbs or screened with evergreen groundcover or shrubs.

### **E. Shrubbery**

Shrubbery is required to be pruned to maintain height below the sill of windows and a width narrower than the sides of windows. All shrubs should be pick-pruned, rather than sheared, to maintain natural form, except where specifically intended as a design element, such as a boxwood hedge or parterre.

When hedging or shearing is design-appropriate, shearing should be done in 'pyramidal' fashion, so that the base of the plants remains wider than the tops, to allow sun to reach to the base and prevent legginess.

Standard nandina, *nandina domestica*, should never be sheared, which produces a stiff, leggy aspect. It should be pruned immediately before the growing season, usually in late February. Select about a quarter of the stems throughout the clump and cut them to the ground. Remove another random selection about one-third up the height of the plant. Finally, cut another random group of stems at two-thirds the plant's total height. (Leave a quarter of the plant uncut.) This stair step pruning might look strange at first, but the yield is a lush, full plant with no bony stems showing.

Evergreen shrubs should be pruned only into 'green' wood, not into 'woody' stems, which will not sprout new growth or will take several seasons to do so.

## **F. Trees**

Trees shall be pruned as needed only by Committee approved tree specialists.

Mulch shall not be applied above the flare of the trunk and never more than four inches (4") of mulch is permitted over the root ball of trees.

Tree trunks shall be protected at all times from damage by lawnmowers and string trimmers (weedeaters).

Street trees are the exclusive purview of the Whittier Heights Maintenance Association, Inc. Street trees may be limbed up and otherwise pruned only by the Whittier Heights Maintenance Association, Inc. for the purpose of allowing pedestrians to utilize sidewalks without interference by overhanging limbs, to permit safe driveway use by standard size automobiles, sport utility vehicles, and pickup trucks, to remove dead wood, and for aesthetic purposes. The height of clear trunk should be proportionate to height of tree and size of canopy.

To assure proper pruning, for reasons of health and aesthetics, the Committee requires that only a Committee-approved Certified Arborist be employed to prune trees other than street trees, which are the exclusive bailiwick of the Whittier Heights Maintenance Association, Inc.

Soil should never be added over the root zone of trees as it denies oxygen, 'suffocating' the tree. The 'flare' at the base of the trunk should always be exposed.

Mulch shall be kept a finger's width away from the trunk of trees to prevent pests and diseases from invading the bark. Never more than two to four inches (2-4") of mulch should be applied or maintained over the root zone of trees.

Tree trunks shall be protected at all times from damage by lawnmowers and string trimmers (weedeaters).

## **VII. APPROVED CONTRACTORS**

For quality control purposes, all exterior improvements, whether relating to structures or in the landscape, are required to be made only by approved builders (general contractors) and certain approved contractors and sub-contractors, as determined by the Committee from time to time.

Landscape Installation also "Landscaping" on a residential lot may only be undertaken by a Landscape Construction Professional (also "Landscape", "Landscape Contractor", "Landscape Subcontractor", and "Installer") approved by the architectural control committee, and no residential lot owner may perform any part of Landscape Installation.

## **VIII. GENERAL MAINTENANCE**

All structures, landscape, and hardscape are required to be maintained in clean, orderly condition by owner. Prompt repairs and repainting and staining are to be undertaken, as needed.

All post-occupancy modifications to approved house and landscape plans must receive Committee approval prior to the start of construction or installation.

property owner is obligated to promptly rectify any non-compliance with these Whittier Heights Aesthetic Standards and any requirement made by the Committee with respect to construction and landscaping.

Landscape Installation also "Landscaping" on a residential lot may only be undertaken by a Landscape Construction Professional (also "Landscape", "Landscape Contractor", "Landscape Subcontractor", and "Installer") approved by the architectural control committee, and no residential lot owner may perform any part of Landscape Installation.

Landscape Maintenance of softscape, other than (1) tree replacement, (2) tree pruning, and (3) replacement of nursery stock (shrubbery, vines and ground cover as defined in Neil Sperry's *Compete Guide to Texas Gardening*) with different species and cultivar, may be performed by a lot owner or by a full time landscape maintenance company, unless the architectural control committee deems the quality of the landscape maintenance to be unacceptable, in which event it shall notify the lot owner in writing to desist landscape maintenance of the lot except by a landscape maintenance professional approved by the architectural control committee. Addition of nursery stock and replacing nursery stock with different species and cultivars is considered Landscape Installation rather than Landscape Maintenance. Tree pruning may only be performed by an approved tree maintenance professional designated by the architectural control committee for such services in the neighborhood. Replacement of nursery stock may only be done by a residential lot owner or by a Landscape Construction Professional (also "Landscape", "Landscape Contractor", "Landscape Subcontractor", and "Installer") approved by the architectural control committee. Replacement of trees is required to be undertaken by a Landscape Construction Professional (also "Landscape", "Landscape Contractor", "Landscape Subcontractor", and "Installer") approved by the architectural control committee. Landscape Maintenance of hardscape elements, e.g. wood fence and gate repair, staining, and re-staining; steel ("wrought iron") fence and gate repainting; flatwork repairs and replacement; etc. is permitted only by contractors and subcontractors approved by the Committee.

## **IX. PROVISIONS FOR SPECIAL SECTIONS**

Except as described herein, design, materials, construction and landscape of all homes in Whittier Heights shall be the same as described in detail in the Whittier Heights Aesthetic Standards & Requirements. Special provisions for certain areas of Whittier Heights are described in the following. Note: Some areas fall under the provisions of more than one section.

### **A. LOTS ON HARMONY LANE AND HAVERHILL LANE. "Classic Designs" Section**

1. Lots on Harmony Lane and Haverhill Lane shall have a minimum of two front yard trees provided by the Developer of Whittier Heights at no cost to Lot Owner for Lot Owner's planting in locations prescribed by the Whittier Heights Master Landscape Plan.
2. Only those trees approved for planting on Harmony and Haverhill Lanes on the Whittier Heights Master Landscape Plan may be planted in front yards.
3. Lot Owner shall plant three backyard and/or sideyard trees as may be provided by the Developer at no cost to Lot Owner.

### **B. LOTS ON WHITTIER LANE. "In Harmony with Nature" Section**

1. To the extent possible, driveways of adjacent lots shall be placed on adjoining sides of those lots, as described in the Whittier Heights Master Landscape Plan, or as required by the Whittier Heights ACC.
2. Trees planted in the area approximately 25' from back of curb on Whittier Lane in the "In Harmony with Nature" section and in the area back of curb on lots fronting or siding Providence Road are required in accordance with the Whittier Heights Master Landscape Plan and will be provided and installed by the Developer at no cost to the Lot Owner.
3. Lots fronting on Whittier Lane shall have a minimum of six front yard trees provided by Developer at no cost to Lot Owner for Lot Owner's planting in locations prescribed by the Whittier Heights Master Landscape Plan,
4. Lots siding on Whittier Lane shall have a minimum of six side yard trees provided by Developer at no cost to Lot Owner for Lot Owner's planting in locations prescribed by the Whittier Heights Master Landscape Plan, except that this standard may be reduced by the Committee for some lots, e.g. lots in the Masterpiece Homes or Verandah Homes sections.
5. Only those trees approved for planting on Whittier Lane in the Whittier Heights Aesthetic Standards & Requirements Detailed Plant List, **Exhibit L**, may be planted in front yards.
6. The area of the front yard and front right-of-way within twenty five feet (25'-0") of the back of curb shall be planted only with the front yard trees provided by Developer and with a mix of ground cover materials as described in the Whittier Heights Detailed Plant List, **Exhibit L**, including minimal areas of mown grass. Mulch in this area shall be only that described in the Whittier Heights Aesthetic Standards & Requirements.

**C. LOTS IN BLOCK D. "Room with a View" Section**

1. The Whittier Heights Aesthetic Standards & Requirements with respect to design and materials for the fronts of homes shall apply to the rear elevation of homes in the following regards.
2. Significant architectural elaboration of the rear elevation is required through extensive use of details such as dormer windows, gables, post and beam construction, projected wall sections, artful embellishment of surface brick and/or stone, tall and full to the ground chimneys with minimum forty-eight inch (48") chimney breast narrowing to a thirty-six inch (36") chimney shaft, extensive barge board, frieze board and cornice board trim detailing and other details acceptable to the Committee.
3. Each home shall have a chimney but it may be prominent in rear view, rather than street view, unless it is a home that is also in the Masterpiece Homes section. Chimneys shall be comprised of brick or stone, according to the predominant exterior material of the house walls, proportionate – at least thirty-six inches (36") wide and twenty-four inches (24") deep - and architecturally elaborated; stucco chimneys will be approved only when inherent in the architectural style of the house and when stucco is used in substantial proportion on the surface of the house within street view. Stucco chimneys shall be embellished with masonry.
4. The material standard for windows shall be the same minimum vinyl windows with brick mould as for windows in street view. However, divided light design is not required.

5. Outdoor living spaces shall be attractive in public view. Unusual or exceptionally large features, such as 'faux' boulders at poolside, shall be screened from public view by means of evergreen plantings.
6. The standard Whittier Heights steel fencing described in the Whittier Heights Aesthetic Standards & Requirements is required to be built across the property line of all lots that back or side to open space, if any fence is built at all.
7. Lot Owner shall plant up to three backyard and/or, sideyard trees provided by the Developer at no cost to Lot Owner.

**D. LOTS 19-24/A, 40/A, 15-17/D AND 1-6/E "Verandah Homes" Section**

1. Homes in this section shall observe a twenty-five foot (25') front setback.
2. Homes in this section shall have a dropped brick ledge.
3. Each house in this section shall have a 'socialized landscape' which visually connects the house to the view of the northern lake, such as a large covered and open-sided front porch (covered verandah, galerie or piazza) or loggia with depth no less than eight feet (8'-0") connecting via at least one doorway other than the front door to interior living areas of the house.
4. Front porches shall have a minimum clear depth of eight feet (8'-0").
5. In lieu of a covered front porch, (covered verandah, galerie or piazza) or loggia, if approved by the Committee, a house in this section may have a terrace of depth no less than fifteen feet (15'-0").
  - a. A terrace shall connect via a doorway other than the front door to interior living areas of the house.
  - b. A house with a terrace shall observe a twenty-five (25'-0") front setback, so that the terrace extends into the front yard area.
  - c. Terraces shall have enhanced surfaces such as stone, brick pavers, salt finish or scored concrete or brick or stone bands.
  - d. A terrace shall be landscaped by means of planters, pots or beds and outdoor furnishings, materials and specifications of which shall be included in the landscape plan submittal for Committee approval.
6. Unless otherwise approved by the Committee, Lots 22/A, 40/A, 15/D and 17/D shall have a wrap-around covered porch, a side covered porch or loggia facing toward the northern lake in Whittier Heights and connecting via a doorway other than the front door to interior living areas of the house.
7. Unless otherwise approved by the Committee, all houses built in the Verandah Homes section shall have a twenty-five foot (25'-0") front setback, so that neither the covered front porch (verandah, galerie or loggia) nor any portion of the main house structure extends closer to the fronting street than twenty-five feet (25'-0") from the right-of-way line of said street.
8. Normally, the front and/or side of houses with a porch, loggia or terrace shall have only one (1) tree in the yard area adjacent to the porch, loggia or terrace. However the Committee may require or allow an additional tree in this area if said tree is provided at

no cost to the Lot Owner by the Developer of Whittier Heights. The Committee may allow an additional tree in this area, whether provided by the Developer of Whittier Heights or not.

9. Lot Owner shall plant up to three backyard and/or, sideyard trees provided by the Developer at no cost to Lot Owner.

**E. LOTS 19-40/A, 15-17/D, AND 1-10/E "Masterpiece Homes" Section**

1. Front yard setback shall be thirty feet (30'0") and sideyard setback of corner lots shall be thirty feet (30'0") adjacent to the side street.
2. Homes shall either:
  - a. have a full height chimney visible in street view with chimney breast of no less than forty-eight inches (48") to a transition point where the chimney shall narrow and change form according to one of the alternatives, shown in Exhibit DD; the form employed shall be of a design, which has not yet been built in the Masterpiece section; the chimney shall terminate in chimney pots or an embellished chimney cap; or
  - b. employ modular brick for the exterior of the home (or employ modular brick in combination with stone for the exterior of the home); this does not relieve Lot Owner of the obligation to have a chimney visible in street view.
3. If a water table is employed, it shall be a true water table and shall project beyond the plane of the wall surface above. No brick band or belt course shall be permitted in lieu of a water table.
4. The front entry porch landing of each home shall be elevated no less than twelve inches (12").
5. Gutters shall be half round and downspouts shall be round.
6. Shutters, if employed in the design of a home, shall be properly hinged at the brick mould and fully operable, or appear to be operable, held in open position by shutter dogs or secured in closed position by shutter latch. (If not fully operable, i.e., if fixed to the house structure, the means of attachment must be proposed to and approved by the Committee.)
7. Lots shall have a minimum of two front yard trees provided by the developer of Whittier Heights at no cost to Lot Owner for Lot Owner's planting in locations prescribed by the Whittier Heights Landscape Plan, Exhibit **AA**.
8. Lot Owner shall plant up to three backyard and/or, sideyard trees provided by the Developer at no cost to Lot Owner.

**X. INITIAL MEETING, ARCHITECTURAL INTENT, AND PRELIMINARY PLANS**

**A. Design Preparation**

Before beginning design of the house and landscape, the Lot owner, the owner's builder (if other than the Lot owner), owner's house designer, and owner's landscape designer are re-

quired to meet with representatives of the Committee to discuss the owner's design objectives, in particular the architectural style chosen from among those approved for Whittier Heights, and also to discuss the Whittier Heights Aesthetic Standards, as they apply to design, materials and fixtures selections, information submittal for Committee review, and the construction process and landscape installation (the "Initial Meeting"). Prior to this meeting, the owner and the designers should visit the Lot to determine design opportunities and challenges.

In the Initial Meeting, the Lot owner, designers, and builder should discuss with the Committee representatives any standards and requirements that, upon their review these Whittier Heights Aesthetic Standards, they have been determined will adversely affect the owner's proposed plans to build on the Lot.

The corners of all Whittier Heights lots have been monumented. Using the recorded subdivision plat, designers should be able to locate these monuments. An effort should be made to insure that the monuments identified are in fact true lot corner monuments and not offset corner monuments, points of tangency, section corners or easement lines which may also be located on the lot or along lot lines. If the monuments cannot be found, owners should seek the assistance of a licensed surveyor before beginning any planning.

Before the architect or designer begins his site plan, he should have a licensed surveyor conduct an accurate topographic and tree survey of the lot with the building setbacks drawn in. Topographic extrapolations done from aerial surveys are not sufficiently accurate for this purpose.

Tree Marking: The lot owner or builder shall review the lot with a member of the Committee to identify any particular trees that the Committee will require remain on the lot after house construction.

## **B. Preliminary House Plans**

Following the Initial Meeting, the lot owner is required to submit and obtain Committee approval of a Statement of Architectural Intent for the proposed residence.

Preliminary house plans, scaled at  $1/4" = 1'-0"$ , are required to be submitted, separate from other information submittals, along with the proposed Statement of Architectural Intent for Committee review separate from other information submittals. The content of the Preliminary Plans (the "Preliminary House Plans") shall be:

- a. Cover sheet with Statement of Architectural Intent and *locus nomen*, if proffered;
- b. Site Plan showing all easements and setback lines; street right(s)-of-way; proposed location and width of the public walk; house footprint; generic lead walk, driveway, and motor court; and native trees proposed to be preserved;
- c. Floor Plan(s);
- d. Roof Plan;
- e. Elevations;
- f. Exterior Materials Mockup Construction Detail, as defined herein below.

The Committee requires that each Preliminary House Plan submittal consist of three sets printed in black line on paper (1 full-size and two sets reduced to 11" x 17") of plans, as well as a set in .pdf format provided on a compact disc simultaneous with the aforementioned sets.

All landscape plans are required to show proposed finished pad and finished floor elevations, along with the height of dropped brick ledges.

Preliminary House Plans should be mailed to the Committee at P.O. Box 1672, Colleyville, TX 76034.

### **C. Notice of Preliminary House Plan Approval**

Approval of Preliminary House Plans should be accepted as approval to proceed with final house design and Preliminary Landscape Plans based upon the Preliminary House Plans returned by the Committee with review comments. However, Preliminary House Plan approval or conditional approval of the Preliminary House Plan does not constitute automatic approval of the final submission.

### **D. Preliminary Landscape Plans**

Following Approval of Preliminary House Plans, the lot owner is required to submit and obtain Committee approval of Preliminary Landscape Plans, drawn to scale, for the proposed residence.

The content of Preliminary Landscape Plans shall be:

- a. Cover sheet with Statement of Architectural Intent;
- b. Grading and Drainage Plan, with foundation footprint, one-foot (1'-0") finished grade contours and spot elevations to effect the designer's intended flows and no more than one and one half percent (1.5%) front yard gradient from the grade of the finished pad to the top of the 3:1 slightly convex ("bellied") transition to the public walk; included in the Grading and Drainage Plan should be the finish pad ("FP") elevation, finished floor ("FF") elevation, the elevation of dropped brick ledge(s), high points in the finished grade of the yard, grades at the bottom of swales, top(s) and bottom(s) of retaining wall(s), and arrows indicating drainage flows. In addition, the Grading and Drainage Plan should show proposed final grades on the Lot in relation to adjacent lots, which should be established to prevent surface drainage from entering any adjacent private property other than common areas of Whittier Heights; other information required is top(s) of curb(s) in adjacent right(s)-of-way as shown on the lot grading plan in the CCRs and verified by landscape designer;
- c. Foundation and Yard Planting Layout;
- d. Hardscape Layout, including flatwork and retaining wall layout with top and bottom of retaining wall stipulated at each end of and at each wall step.

The Committee requires that each Preliminary Landscape Plan submittal consist of three sets printed in black line on paper (1 full-size and two sets reduced to 11" x 17") of plans, as well as a set in .pdf format provided on a compact disc simultaneous with the aforementioned sets

### **E. Notice of Preliminary Landscape Plan Approval**

Approval of Preliminary Landscape Plans should be accepted as approval to proceed with final landscape design based upon the Preliminary Landscape Plans returned by the Committee with review comments. However, Preliminary Landscape Plan approval or conditional approval of the Preliminary Landscape Plan does not constitute automatic approval of the final submission.

## **XI. HOUSE MATERIALS, SPECIFICATIONS, AND FIXTURES; FINAL HOUSE PLANS; AND PRELIMINARY LANDSCAPE PLAN SUBMITTALS**

Information including final house plans, exterior materials, exterior specifications, exterior fixtures, and Preliminary Landscape Plans are required to be provided for Committee review as one submittal (the "Final Submittal") rather than any such information being submitted piecemeal.

All such information submittals should be mailed to the Committee at P.O. Box 1672, Colleyville, TX 76034.

### **A. Final House Plans**

Final house plans, scaled at 1/4" = 1'-0", are required to consist of a cover sheet, a site plan, grading and drainage plan, foundation plan bearing structural engineer's seal and signature, foundation silhouette, floor plans, elevations, roof plan, and such construction details as necessary to fully explain and enable construction of all exterior elements to proceed there from. The foundation plan, the site plan, the foundation silhouette, and all landscape plans are required to show proposed finished pad and finished floor elevations.

All house plans are required to have a title block on each page, the designer's or structural engineer's company name, postal address, email address, phone number and fax number, as well as the owner's name and the builder's name. Each succeeding plan submittal must show the original date of the plans, i.e. beginning with the date of the Preliminary Plans, and the date of each succeeding revision.

The Committee requires that each Final House Plan submittal consist of three sets printed in black line on paper (1 full-size and two sets reduced to 11" x 17") of plans, as well as a set in .pdf format provided on a compact disc simultaneous with the aforementioned sets, with the following information:

Cover sheet with Statement of Architectural Intent and *locus nomen*, if any, along with a table of contents.

Site Plan/Roof Plan, including:

- a. Locations, dimensions, and material notations for sidewalk, drive, and all other exterior flatwork,
- b. Proposed location for exterior mechanical equipment,
- c. Percentage of lot coverage,
- d. Height and material of any exterior fence or wall shown,
- e. Proposed location of the Exterior Materials Mockup.

Foundation Silhouette including finished floor elevations and a raised front entry at twelve inches (12") or more above the finished grade of the lot, which finished lot grade shall be noted on the foundation silhouette.

Structural Engineer's Foundation Plan with finished floor, finished pad, and top of dropped brick ledge elevations noted and addition information necessary to establish a raised front entry floor elevation at twelve inches (1'-0") or more above the finished grade of the lot.

Floor Plans and Electrical Plans including the proposed locations of all equipment that will require roof penetrations.

All elevations of the house at one-quarter inch equals one-foot (1/4" = 1'-0") scale, including notation of locations of all exterior wall materials and vents that penetrate any exterior wall.

Roof plan with notation of roof materials, roof penetrations, satellite dish(es), aerials, wall vents, and roof pitch.

Wall sections, including all entablatures and barge of gables, appropriately detailed to guide construction and as required to receive a building permit, construct the residence, and comply with these standards.

Construction details necessary to achieve the intended house exterior depicted in elevations, e.g. sweeping roof and related barge.

Construction detail for Exterior Materials Mockup defined herein below.

In addition to the above, final submission shall also include:

Color Palette. Manufacturer's name and product identification information must be submitted, along with samples, of all windows, roof colors, and exterior paint and stain colors applied on an actual sample of the materials to be used.

All elements of the exterior color palette of homes in Whittier Heights are subject to approval of the Committee. For new construction, renovation, and exterior paint or stain changes on an existing house on which construction began prior to June 1, 2009, a written Statement of Color Coordination prepared by a professional colorist is required to be submitted to the architectural control committee that reconciles for aesthetic purposes all elements of the exterior house color palette (masonry, roof, windows, doors, trim, gutters, and downspouts) and explains its appropriateness to the architecture of the house.

Exterior Lighting. Manufacturer's name and product identification information must be submitted, along with catalog cutsheets showing the design and dimensions, as required herein above, of each fixture proposed and specifying the exact means of illumination proposed.

Window and Door Schedule, including Door Hardware. Manufacturer's name and complete product identification and specifications information must be submitted, along with catalog cutsheets showing the design and dimensions of all windows and exterior doors, as required herein above, keyed to Final House Plans. *All aspects* of divided light windows must be provided, including dimensions of lights, muntins and bars, mullions, sash, and brick molding, as well as profiles of muntins and bars, brick molding, and mullions. Hardware proposed for all doors in public view is required to be submitted with the same level of detail.

Other Non-masonry Exterior Materials (Posts, Beams, Trim, Cornice/Frieze/Architrave, Siding, Manufacturer's name, supplier's name, product identification information, product dimensions, finish, mortar color, type of joint proposed, and a sample and typical dimensions of each element of masonry must be submitted for Committee review.

Masonry. Manufacturer's name, supplier's name, product identification information, product dimensions, layup pattern proposed, mortar color, type of joint proposed, and a sample of each element of masonry must be submitted for Committee review.

Notice of Intent ("NOI") requesting coverage under TCEQ General Permit Number TXR150000 Relating to Discharges From Construction Activities for the Lot, certified to the Com-

mittee as having been filed with the permitting authority, or a copy of the lot owner's permit authorizing storm water discharges associated with construction activity for the Lot.

### **C. Exterior Materials Mockup**

A sample wall and roof mockup comprised of all proposed elements of masonry, a small window sample with related brick molding, a roofing material sample, sample trim and entablature, i.e. cornice/frieze/architrave, a gutter and downspout sample, and sample paint and stain shall be erected at the Lot and, once approved, maintained on the lot throughout the period of construction to precisely guide replication in the construction of the house. A scaled and detailed drawing of the mockup (the "Exterior Materials Mockup Construction Detail") to describe the component parts, including superstructure necessary to preserve the sample wall and roof mockup throughout the construction process, is required to be submitted as a part of the Preliminary House Plans, and may be revised and resubmitted as a part of the Final Submittal or at such other time as a proposed exterior materials change is submitted to the Committee.

### **D. Preliminary Landscape Plans (see description above)**

### **E. Notice of Approval**

Written Approval of Materials, Specifications, Fixtures, Final House Plans, and Preliminary Landscape Plans should be accepted as approval to proceed with final landscape design based upon the Preliminary Landscape Plans returned by the Committee with review comments, as well as authorization to initiate rough grading and proceed with construction of the proposed improvements, other than landscaping, which awaits approval of Final Landscape Plans and Specifications.

## **XII. FINAL LANDSCAPE PLANS, MATERIALS, SPECIFICATIONS, AND FIXTURES**

Comprehensive landscape information, including Final Landscape Plans, Materials, Specifications, and Fixtures proposed is required to be provided for Committee review no later than the earlier of forty-five days before any aspect of landscaping is proposed to begin or ninety days of the date of Preliminary Landscape Plan approval.

All such information submittals should be mailed to the Committee at P.O. Box 1672, Colleyville, TX 76034.

The Committee requires that each Final Landscape Plan submittal consist of three sets printed in black line on paper (1 full-size and two sets reduced to 11" x 17") of plans, as well as a set in .pdf format provided on a compact disc simultaneous with the aforementioned sets

## **XII. INFORMATION SUBMITTAL FORMS**

Upon request, the Committee provides information submittal forms for the purpose of owners organizing and submitting required information.

## **XIV. APPROVED DESIGNERS, BUILDERS, AND SUBCONTRACTORS**

Pursuant to provisions of the CCRs, the Committee maintains lists of approved subcontractors. The Developer of Whittier Heights, pursuant to the terms of Whittier Heights lot

sales agreements, maintains a list of approved builders. The Committee maintains an unofficial list of approved designers. None of these lists constitute recommendation.

#### **XV. PRE-LANDSCAPE BIDDING MEETING WITH COMMITTEE MEMBER TAYLOR STEELE**

The objective of the pre-landscape bidding meeting with the builder/general contractor and sub-contractors is to emphasize the following:

- consider details of approved landscape plans, as well as details and requirements of the Standards; discuss each, so that sub-contractors may understand the scope of the work and be fully aware of requirements and high ideals in bidding the landscape installation work at a price that will allow them to profit from their efforts without having to lessen the quality of their installation;
- bring the right tools for the job, e.g. a rotor tiller for bed preparation and plywood, not Masonite, for concrete form boards, and follow best construction practices;
- consider elements that require coordination among sub-contractors;
- emphasize importance of following plans precisely; don't vary, don't seek examples elsewhere in developments (may not be approved or acceptable); be prepared to tell owner "no" when asked to bootleg some aspect of the work;
- identify and discuss any aspects of plans and Standards that are unclear;
- builder needs to supply plans and Standards, including exhibits referenced, if not shown on the approved plans;
- stay off of neighboring properties
- emphasize reviewing own work throughout and upon completion, to be sure it was done 100% or better than approved plans and Standards call for and to anticipate and avoid problems for subsequent subs and/or owner
- the Committee's job is not to monitor, although the Committee samples work to learn and for purpose of quality control;
- find beauty in the outcome, as well as profit; "a job well done is its own reward"

Additionally, the following are emphasized:

- Irrigation is to be installed per plan and TCEQ regulations:

Only use copper risers in public view; all parkways (area between curb and public walk) and all planting beds to have drip irrigation;

Common area irrigation required is to be provided from lots by rotors not pop-up's  
Tree bubblers to be switched by dedicated station, as indicated on plans

All stations need to be flushed before nozzles are installed then tested and adjusted  
Irrigation station identification sheet needs to be laminated and placed in the controller  
Irrigation wires need to be labeled in the controller.

The irrigation system needs to be explained to the homeowner once the system is complete so they see and understand its working.

The irrigation installer needs to supply a sheet showing the programming as it is set up, I strongly recommend that program A be turf, B for beds, C, for tree bubblers.

Inform the homeowner that the irrigation can't be programmed to run from 10:00am to 6:00 pm during the growing season i.e. (May through Sept) This does not apply to drip or tree bubblers. Check local codes to be sure as they change frequently.

Don't trench through existing roots

Follow up, etc;

- Planting to be installed per plan (strictly observe spacing, plant size, and materials called for; no substitutions permitted);
- Areas designated for planting beds shall have all construction debris and top four inches (4") of soil removed. Planting beds shall have a minimum of six inches (6") of Living Earth Professional Bedding Soil tilled into the top ten inches (10") of soil and the Living Earth Professional Bedding Soil amended, at the rate of 13 lbs per 100 per s.f., Osmocote 19-5-9 plus Minors with Poly-S nitrogen and Osmocote NPK.
- Bed edging to be set no higher than freshly cut grass, approximately two inches (2") above finished grade;
- All plant material should be high quality and sized as shown in the legend on the landscape plan or larger. Do NOT use recently bumped materials. Test for recent bumping by checking extent of root growth in container and common sense;
- Planting beds are required to be mulched a minimum depth of 2" and no greater than 4". Mulch may not contain pecan hulls but shall be ONLY hardwood mulch or, with the approval of the Committee, pine straw mulch.
- Use of weed barrier, aqua landscape fabric, is not permitted in Whittier Heights.
- Grading to be done according to plan:
  - Max 1.5% front yard grade to top of belly transitional area, then 3:1 slightly convex slope
  - Achieve plump, consistent belly in transitional area from the 1.5% slope of yard to the public walk at the bottom of the belly
  - Remove rocks and debris from yard area
  - Ensure design grades of swales and positive flow away from foundation and to public drainage facility (right of way or drainage easement) and ensure that no drainage from a lot enters adjacent private property
- Drainage to be installed per plan:
  - 4" curb coring to be used in the front to bring drains to the street; no pop-ups to daylight
  - underground storm water piping is permitted in front yards and outside sideyards of corner lots; pop-ups shown on plans must be located away from property lines to allow water emitted to sheet flow from property grates in the yard; all pop-ups to daylight underground storm water piping must be hidden from public view by fencing or other effective landscape screening;
  - No splash blocks permitted in public view;
- Retaining walls, brick and stone walls, and masonry in flatwork
  - Whether on top or sides of walls, columns, flatwork, etc., maximum mortar joints are 1/2 inch for brick with a 3/8 inch average; maximum mortar joints for stone are 5/8 inch with 1/2 inch average;
  - Set fence posts integral to walls and into native undisturbed soil below, as shown on Standards exhibits;
  - Hide core holes and frogs of brick;

- Fencing
  - Prime steel fence in shop, as Standards call for, and paint or powder coat; fillet weld panels to posts in field; repaint at welds and at installation-damaged areas; Follow craftsmanship specifications for joinery of approved plans and of Standards;
- Sedimentation Control
  - Observe requirements of local and state law without interruption
- Parge foundation before planting adjacent beds, if no dropped brick ledge was employed
- Annuals and perennials planting must follow plan
- Cleanup and haul off

## **XVI. REVIEW FEES**

Pursuant to provisions of the CCRs, the Committee has established a schedule of fees associated with various aspects of its review, which must be paid in conjunction with information submittal, including that presented at the Initial Meeting described herein above.

## **XVII. GLOSSARY**

Construction terminology used herein generally follows the definitions provided in Dictionary of Architecture & Construction, Fourth Edition, edited by Cyril M. Harris.

Landscaping terminology used herein is generally consistent with that of Neil Sperry's Complete Guide to Texas Gardening.

Plant identification follows that of Trees, Shrubs, and Woody Plants of the Southwest by Robert A. Vines, Shinnery & Mahler's Illustrated Flora of North Central Texas by George M. Diggs, Jr., Barney L. Lipscomb, and Robert J. O'Kennon, Manual of Woody Landscape Plants by Michael A. Dirr, and Trees for Urban and Suburban Landscapes by Edward F. Gilman.

Other terms employed by the Committee include the following:

- a. Drip line. The outside circumference of the crown or branching area of a tree. The area inside of the drip line is referred to as the "drip zone".
- b. Lead walk. The private walk extending from the stoop of the front entry to the curb of the fronting street.
- c. Street view. What can be seen from public right-of-way.
- d. Open Space. Areas of Whittier Heights not within street rights-of-way or within the boundaries of residential lots, which is the bailiwick of the Whittier Heights Maintenance Association, Inc.
- e. Hardscape. All non-growing elements of the yard area, including flatwork (driveways and motor courts, sidewalks, swimming pool decking), fences, walls, gates, operating equipment, swimming pool and related elements, security and landscape light fixtures, statues, recreational equipment, sculpture and statuary, yard art, wind chimes, audio and video equipment, edging material at planting beds, etc.

- f. Brick. All brick utilized on exposed surfaces of improvements in Whittier Heights must be clay brick. Brick manufactured of cement is prohibited on exposed surface of improvements in Whittier Heights.
- g. Stone. All stone utilized on exposed surfaces of improvements in Whittier Heights must be natural. Cultured stone or manufactured stone manufactured is prohibited on exposed surface of improvements in Whittier Heights.
- h. Seventy-Five Percent Rule: Glass should occupy at least 75 percent of the front surface of a dormer.
- i. Public view is interpreted solely by the Committee. It relates to visibility that a member of the public, whether viewing from public or private areas except a residential lot, may reasonably have.